

NEPA Public Comments

Name	Affiliation	Home Town	State or Country	Type of Comment
Andrew Orlemann	USDA Forest Service	Parowan	Utah	Consideration of Greenhouse Gases

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Comment

From a practitioners viewpoint, the CEQ should not require NEPA analysis to address the impact of a changing climate on a proposal; the CEQ should only require an assessment of the impact of a proposal on the changing climate.

It is highly debatable that the NEPA process is an appropriate venue for analyzing and disclosing the potential impacts associated with global climate change on any proposed project. This gets the NEPA backwards. The NEPA requires that we address the effect of our project on the environment, not the effect of the environment on our project. The NEPA says that for major federal actions the responsible official should document “the environmental impact of the proposed action.” Period. The NEPA does not say that the responsible official should document the impact of the environment on the proposed action. This interpretation is supported by the federal courts. Judge Molloy recently addressed the issue of whether the Forest Service is required to document the effect of climate change on a project: “Plaintiffs misstate the analysis required by NEPA. NEPA does not [] require an analysis of how environmental factors such as climate change may impact an action. Instead, NEPA requires a “‘hard look’ at the impacts of [an] action [and] a reasonably thorough discussion of the significant aspects of the probable environmental consequences.” Hapner v. Tidwell, US District Court for the District of Montana, October 30, 2008, citations omitted.

The question of potential climatic impacts on a proposal is properly addressed during the project planning and design phase. Logically, by the time an agency Interdisciplinary Team is analyzing the potential effects of a project on the environment under NEPA, the project design and planning phases have been completed. When the Forest Service is planning and designing a proposal, it naturally takes into account the social and environmental factors which may impact the proposal’s

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Attachment

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Geneen

USDA Forest
Service employee

Flagstaff, AZ

AZ

Use of Categorical
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success. These factors are accounted for in designing a “reasonable” and “feasible” project. The Forest Service will not, for example, propose an action which is not economically feasible. Likewise, the agency will not propose an action which is not environmentally feasible. If a changing climate causes increased flooding in an area, the Forest Service will not propose building a campground in the flood. This is neither reasonable nor feasible. As a result, the proper place for the consideration of the effects of a changing climate on the success of a proposal is during project design, not during the assessment of environmental effects under NEPA.

If the CEQ wants to address the question of how a changing climate affects a proposed federal action, it should do so outside the NEPA’s regulatory framework. The CEQ should not add complexity to an already complex process by requiring an analysis of something that is not included in the NEPA and that should be addressed by federal agencies prior to initiating the NEPA process.

The single most useful thing that CEQ can provide to federal agencies on the use of CE’s is direction to use the definition of “extraordinary circumstances” in the CE definition at 1508.4. All the definition says, in plain English, is that agencies cannot just use a CE because it exists, but must allow for the unusual circumstance where the category may have a significant effect which would in turn disallow the use. A significant effect is an extra-ordinary circumstance. period. A “list of circumstances or settings or situations” is not necessary and is hard to keep up; however, a simple sentence in agency regulations that says “if there may be a significant effect to any resource, the use of a CE is not allowed.” The “extra” in extraordinary just means “outside of” the ordinary. Agencies should not be looking for extraordinary “circumstances” as if they are something in a list, but should only be looking for any possible significant effects – that is “out of the ordinary” situation. The simplest solution would be to instruct agencies to just use the list of 10 significance factor at 1508.27(a) and (b) – which results in an FONSI which is essentially the same as saying “no extraordinary circumstances.” Also, do not imply that CEs do not require or involve

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Jessica kayser	Graduate Student	Haines	AK	Consideration of Greenhouse Gases
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Phillip Freeman	None	Washburn	Wisconsin	Consideration of Greenhouse Gases
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Charlie Repath	Yosemite National Park	El Portal	California	Monitoring Environmental Mitigation Commitments
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Robert P. O'Neill	Private Sector	Plymouth Meeting	PA	Consideration of
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any analysis, but only that the results of the analysis do not require documentation in an EA or an EIS. We are often criticized by opponents that when we do CEs we do no environmental documentation, which is of course untrue; how else can one determine no significant effects if one does not analyze effects?

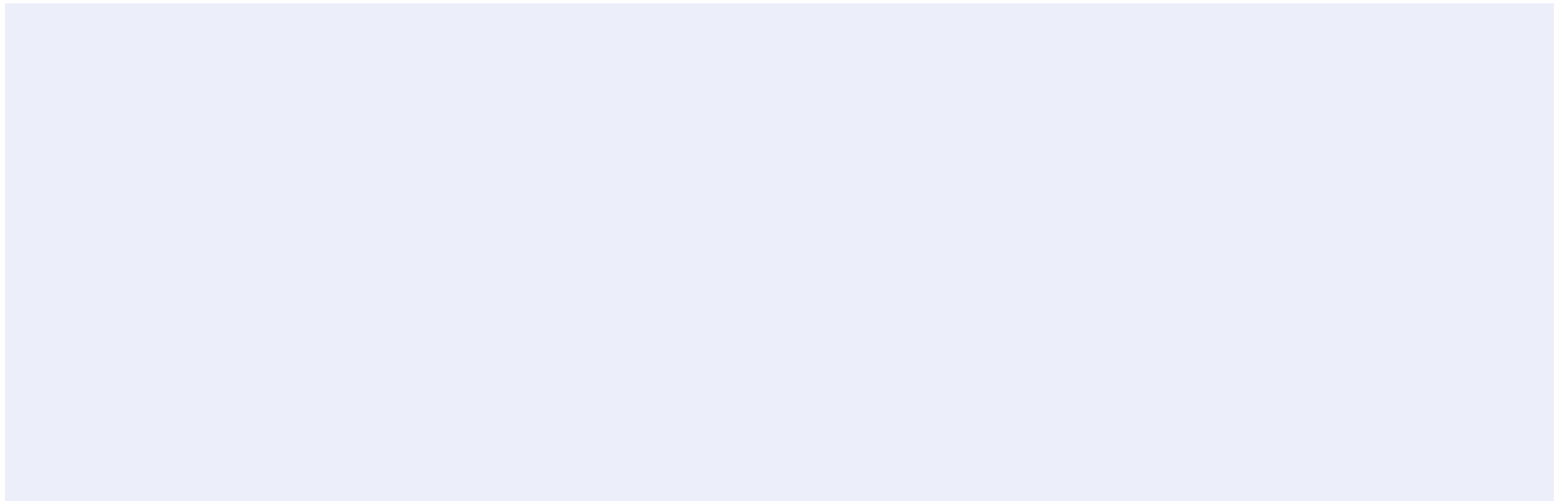
considering the obvious impacts of climate change on different regions in Alaska it is critical that Greenhouse Gases are considered in the NEPA process. There should be additional processes of the NEPA process that take into consideration the affects of climate change on the region of the proposed project and how the infrastructure planned will adapt to these affects.

My comments are focused on guidance to land managing agencies regarding effects of proposals on GHG emissions. It is very important for the guidance to recognize the effects of "leakage" (borrowing from carbon offset terminology). Specifically, since timber harvest levels are driven by consumer demand, decisions about silvicultural practices on public lands will be offset by changes in harvest levels on other lands. Therefore, decisions related to sustained yield timber management on Federal lands will have minimal effects on total GHG emissions. Failing to keep this in mind could easily result in CEQ guidance that will lead analysts down a path of wasting resources on quantifying site-specific carbon flux values when the results actually add nothing of value to the decision making process. I applaud your efforts to take the issue of climate change seriously, but it is important that we focus on analysis that can make an actual difference in emissions. For Federal land managing agencies the relevant proposals are essentially limited to those that involve permanent conversion of forests to non-forest, that promote or tend to increase the practice of motorized recreational activities, or that would increase fossil fuel use associated with transport of timber or processed forest products.

I read your draft guidance with interest until I came across the line that said

The "science" used to classify CO2 as a pollutant is of course faulty, regardless of the EPA's

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				Greenhouse Gases
Mark Prebilib	US Citizen	Poolesville, MD	United States	Consideration of Greenhouse Gases
Richard L Ranger	American Petroleum Institute	Washington	DC	Use of Categorical Exclusions
EDDIE OQUENDO	RECYCLE USED COOKING OIL FROM HOME LLC	321 MIAN ST 304 NORWICH	CT	Consideration of Greenhouse Gases
Ruth Golding	Aberdeen Proving Ground, MD	Aberdeen Proving Ground	MD	Consideration of Greenhouse Gases

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decision to regulate CO2 Emissions. The degree to which anthropogenic inputs of Carbon into the atmosphere affects global temperatures is also unknown. Studies and reports claiming that human inputs of carbon gases into the atmosphere cause temperature increases are based on faulty data and suspect science. As such, there should be no consideration given to the impact of Greenhouse gases under NEPA.

I applaud your efforts at requiring further environmental study of Federal initiatives that will generate significant greenhouse gas emissions. I see this effort as a way to bring to the forefront the serious nature of Global Warming and I could see it further promoting the development of alternative means of power generation that are not as degrading to our environment.

This is part 2 of 2 comprising the second and third pages of a letter dated April 2, 1010 to Ms. Nancy Sutley, Chair, Council on Environmental Quality, incorporating API's comments to the CEQ Proposed Guidance on Categorical Exclusions. Part 1 was submitted through CEQ's e-comment portal a shorth while ago.

Dear executive contact:

This company is a new green recycling company which is in process of producing a recycling bottle to collect residential waste oil. The goal of the company is to coordinate the distribution of the collection bottle to residences within the country, collect the waste and then distribute to biodiesel recycling plants. clea energy production for the goverment. This company, however, is in need of relationships with companies such as yours in order to accomplish the company objectives. My name is Eddie Oquendo and I am the owner and founder. I am interested in scheduling a meeting with one of your representatives in order to discuss my business further and to explore possible business relationships with you in greater detail.

Please feel free to contact me at eovirella@yahoo.com or visit my website <http://homerecyclecookingoil.com>.

I agree that this is important. There should be a guidance on how to determine the Greenhouse Gas Emissions.

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http://www.whitehouse.gov/files/ceq/100402_final_api_comments_ceq_categorical_exclusion_guidance_part_2.pdf

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Ruth Golding	Aberdeen Proving Ground	Aberdeen Proving Ground	MD	Monitoring Environmental Mitigation Commitments
Peter Strauss	Columbia Law School	Hastings on Hudson	NY	Consideration of Greenhouse Gases

Richard Spotts	Private citizen	St. George	Utah	Monitoring Environmental Mitigation Commitments
Richard Spotts	private citizen	St. George	Utah	Use of Categorical Exclusions

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I found the CEQ guidance very interesting and also the Appendix. We have a similar issue with an EA where it appears the contractor is not completing the number of acres of mitigation that is specified in the EA, but rather what is required by law. Based on the Army reg, APG is ultimately responsible for the mitigation acreage, not the contractor, because APG wrote the EA in the planning stage.

Why doesn't this use regulations.gov, the general gateway for comment -- where comments submitted by others can be viewed on FDMS, etc.? The Fed Reg notice is there, but also an indication comments cannot be filed there.

It's commendable that you are seeking comments, but why not do it with the full transparency the administration has generally committed to?

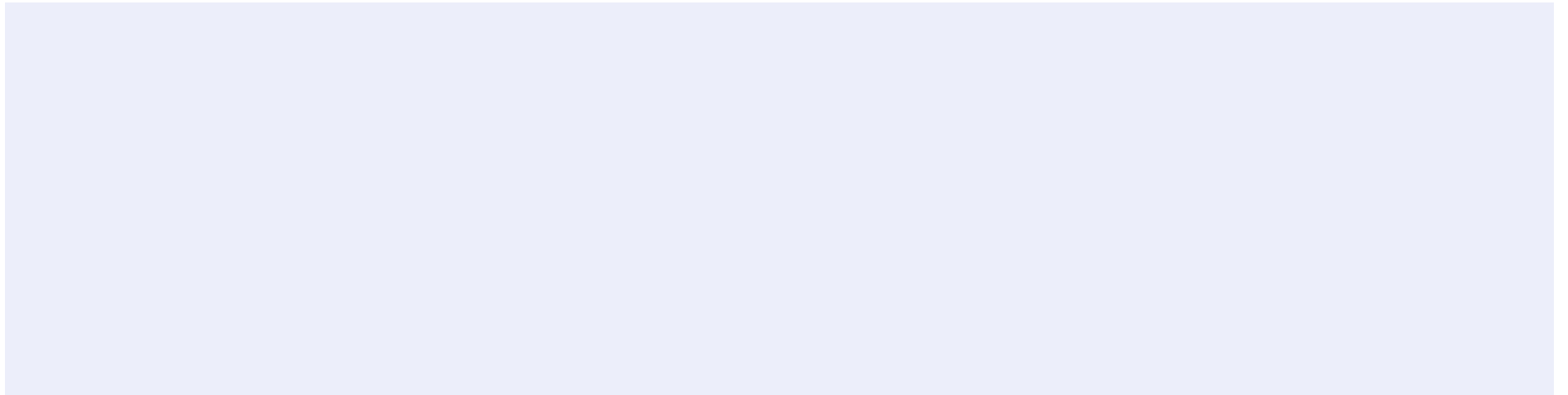
If you have not already done so, please see the excellent ideas to improve NEPA compliance and related public involvement opportunities that are described on the Interior Department's "Open Government Initiative" web site. This web site is located at:

<http://www.doi.gov/open/>

I submitted some of these NEPA related ideas, and I believe that they are relevant in the context of CEQ's current draft guidances that are out for public review and comment, including the one on mitigation and monitoring. Instead of reiterating those NEPA ideas here, it would be easier if you check out this DOI web site to locate and read them. The idea titles should enable you to immediately identify those with NEPA content. Thank you very much for considering this request.

I reviewed the draft CEQ guidance on categorical exclusions, and I generally agree with its excellent points and support its finalization and implementation. Although I am submitting these comments as a private citizen, I am an Interior Department employee who nearly eight years of professional experience working with categorical exclusions. As such, I have seen the reality of

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Richard Spotts

Private citizen

St. George

Utah

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how categorical exclusions are pursued even under somewhat questionable circumstances. For example, a larger proposed action may be broken up into smaller parts that can be approved through two or more categorical exclusions. This is faster and more expedient than preparing an Environmental Assessment, but it also circumvents the potential for public review or involvement as there is none for categorical exclusions. I have also seen examples where a specialist intends to find that an extraordinary circumstance exists such that a categorical exclusion should not properly be used. Those specialists are placed under greater internal pressure to change their minds so that an Environmental Assessment won't be needed. Often, the specialists succumb to this internal pressure and approve the categorical exclusion, sometimes in exchange for additional mitigation measures. However, these mitigation measures are usually not effectively monitored once the project is approved, so there is no way to objectively know whether these additional mitigation measures were actually implemented, nor, if so, whether they reduced the impacts to the level sought by the specialists. In short, I know the great temptation in federal agencies to use categorical exclusions as much as possible. Sometimes this is appropriate and consistent with NEPA guidance, but other times it is expedient as a short-cut and may undermine the intent of NEPA guidance. Absent objective third-party monitoring, and since categorical exclusions tend to be "under the radar" in terms of public oversight, I think the potential for abuses or improper short-cuts will continue. CEQ needs to address the reality that there is often a large gap between ideal NEPA guidance and the sometimes harsh realities out in the real world. There is a need for more arms-length monitoring and oversight to minimize the risks of future non-compliance. I hope these comments are helpful. Thank you very much for your consideration.

Before I became aware of this CEQ draft NEPA guidance on monitoring and mitigation, I submitted comments on this same subject to the Interior Department's web site for its Open Government Initiative. As such, I have copied my comments from that DOI web site and I wish to paste them here as follows:

" I have followed and been involved in Interior Department and other federal

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agencies compliance with the National Environmental Policy Act (NEPA) since it was enacted in 1970. Based on this forty years of practical experience, I have noticed one frequent and fundamental flaw in the analysis in these Environmental Impact Statements (EISs), Environmental Assessments (EAs), Categorical Exclusions (CEs), and, for BLM, Determinations of NEPA Adequacy (DNAs). This flaw is the failure to honestly assess the likelihood that promised monitoring and mitigation measures will actually be tracked and fully and effectively implemented. This flaw may be less of a concern when a private company is the applicant, and when it must post a bond or other financial surety to ensure compliance upon and after project approval. However, when federal agencies are the applicant because it is their proposed action analyzed under NEPA, they often promise monitoring and mitigation measures that they know or reasonably should know they cannot consistently track, much less fully or effectively implement. For example, ask federal agency officials for their data base on tracking of implementation of past NEPA promised monitoring and mitigation measures to determine compliance success. Or ask them what percentage of approved projects have been audited to confirm such NEPA promises compliance. My guess is that they will have that deer caught in the headlights look, and try to quickly change the subject. This flaw can be very important because it is often relied upon by the NEPA analysis itself, as well as by the public and other decisionmakers. For example, an EA might say that the proposed action would cause a "significant" resource impact (which would trigger a requirement to prepare an EIS), but the agency then promises to faithfully implement mitigation and monitoring measures to reduce the impact below that threshold of significance. The agency saves a lot of time and money

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Michael Jago

USAF - NEPA
analysis

Niceville

Florida

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I find the 25,000t/y discussion a bit confusing as it is not to be used as a threshold. Would this indicate that a project that would produce 20,000t/y would be 80% of significant?

Also the use of public lands for carbon sequestering is very dependent on the type and capacity of the land itself. Eastern forests, great plains grasslands, and western desert have very different carbon impacts and capacities. How is that to be addressed?

I would recommend adding an exemption for small projects that require evaluation beyond CATEX but still have negligible impacts such as the construction of new (or replacement) structures that will be more efficient (LEED standards) than what they replace. The proposed rule indicates this is what is intended without quantifying or outright stating it.

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Lori Ballance	John Wayne Airport	Orange County	California	Use of Categorical Exclusions
Richard L Ranger	American Petroleum Institute	Washington	DC	Use of Categorical Exclusions
Debbie Beaver	The Williams Companies	Tulsa	Oklahoma	Use of Categorical Exclusions
Laura A. Conley-Rinehard	WVDOT- Division of Highways	Charleston	West Virginia	Use of Categorical Exclusions
Sara Yamashita	Environmental Planner	San Diego	California	Use of Categorical Exclusions
Larissa Mark	National Association of Home Builders	Washington	DC	Use of Categorical Exclusions
Wendy E. Thomas	Virginia Department of Transportation	Richmond	Virginia	Use of Categorical Exclusions

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Please find attached comments, submitted on behalf of John Wayne Airport, located in Orange County, California, regarding CEQ's draft guidance on categorical exclusions.

Please note, the attached document is Part 1 of 2, comprising the first page of a letter dated April 2, 2010 to Ms. Nancy Sutley, Chair, Council on Environmental Quality. Part 2, comprising the second and third pages of this same letter will be transmitted shortly. This is because of the 1000 mg size limit for attached documents on the CEQ e-comment system.

Will the comments which were due on April 1st be posted on your site?

Please see attached document

p.2: bullet with "establish categorical exclusions" is redundant w/i that sentence.

Under Substantiating a New Categorical Exclusion-How easy is it to access and search for the experience of other agencies? Is there a central website to look for types of projects?

-Under Procedures for Establishing at New Categorical Exclusion: would the Council connect two agencies that have similar procedures, or how are the two aware of each other?

Attached you will find NAHB's comments on CEQ's draft guidance on NEPA's Categorical Exclusions. Please feel free to contact Larissa Mark if you have any questions regarding this comment letter.

The Virginia Department of Transportation (VDOT) appreciates the opportunity to provide comments on the draft guidance, "Establishing and Applying Categorical Exclusions under the National Environmental Policy Act," issued by the Council on Environmental Quality (CEQ) on February 18, 2010. The purpose of the document is to provide guidance to federal agencies on how to create new categories of actions that do not individually or cumulatively have a significant effect on the environment. It is our understanding that CEQ developed this draft guidance as a

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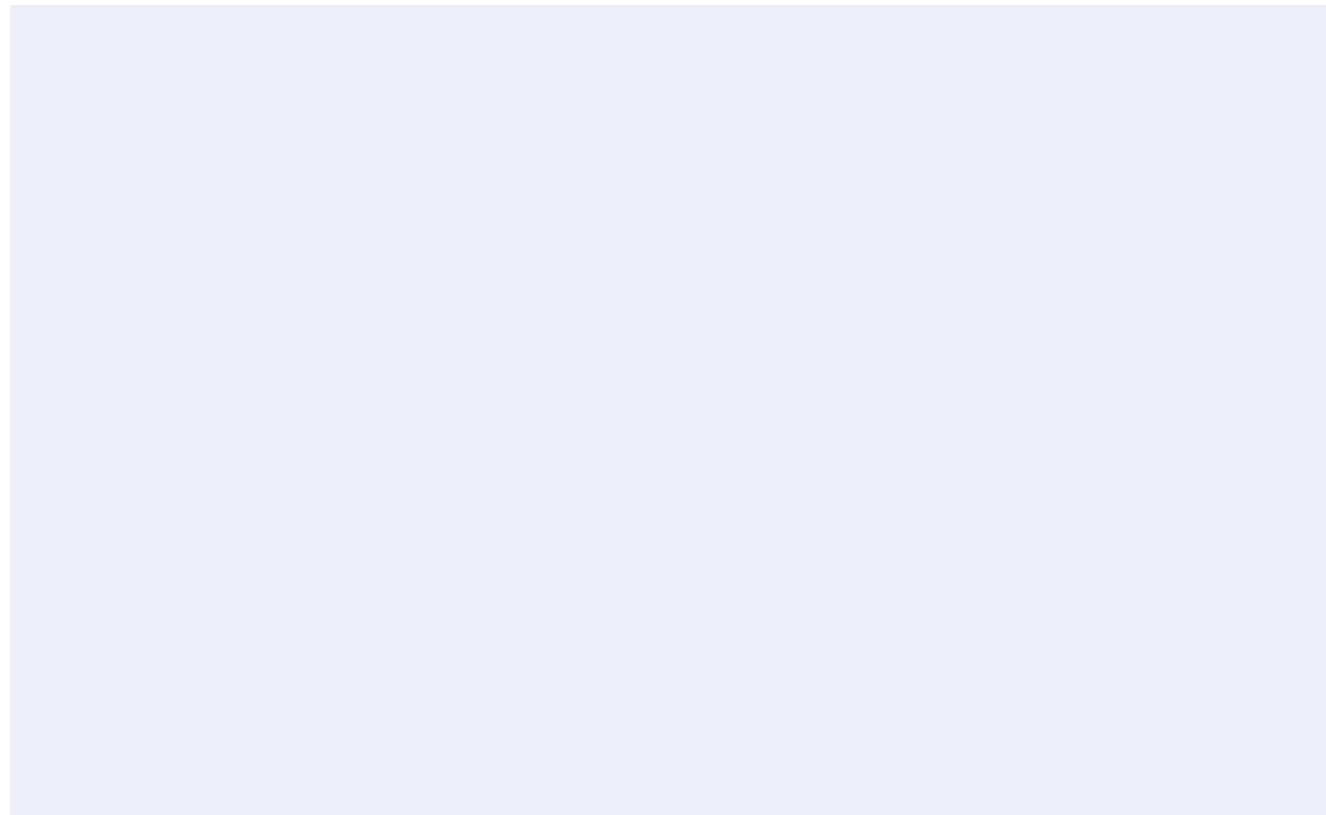
http://www.whitehouse.gov/files/ceq/ltr_to_ceq_re_draft_ce_guidance_03-25-2010.pdf

http://www.whitehouse.gov/files/ceq/100402_final_api_comments_ceq_categorical_exclusion_guidance_part_1.pdf

http://www.whitehouse.gov/files/ceq/wvdot_comments_on_ce_guidance_from_ceq_040710.doc

http://www.whitehouse.gov/files/ceq/nahbcomments_ceq_draft_guidance_categoricalexclusionsnepa.pdf

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Deborah Seligman	New Mexico Oil and Gas Association	Santa Fe, NM	NM	Use of Categorical Exclusions
Jennifer Banks	American Wind Energy Association	Washington, DC	USA	Use of Categorical Exclusions
Kate Kurgan	AASHTO	Washington	DC	Use of Categorical Exclusions
Kelly Brown	Wyoming Association of	Cheyenne	Wyoming	Use of Categorical Exclusions

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effect on the environment. It is our understanding that CEQ developed this draft guidance as a recommendation from a CEQ NEPA task force. The recommendation identified a need to issue clarifying guidance on creating new categorical exclusions because “categorical exclusions are the most frequently employed method of complying with NEPA” and “an inappropriate reliance on categorical exclusions may thwart the purposes of NEPA” (page 2 of guidance). VDOT processes a significant number of federally eligible projects with categorical exclusions (including programmatic categorical exclusions). The use of categorical exclusions, consistent with existing regulations, is critical to maintaining an efficient environmental review process in accordance with NEPA and FHWA’s implementing regulations. The widespread use of categorical exclusions is one of the success stories relating to the implementation of NEPA. We are concerned that the proposed guidance will discourage the use of categorical exclusions, adding time and cost to the project development process. We are unaware of any pattern of use of categorical exclusions in Virginia or elsewhere that does not comply with existing regulation. We work closely with our FHWA Division Office to develop projects as efficiently as possible and in compliance with all requirements. Our FHWA Division Office has not indicated a concern with our use of categorical exclusions. We are, however, concerned that existing efficiencies relating to the processing of projects as categorical exclusions may be compromised by CEQ’s proposed guidance. We do not believe the guidance is necessary. If it is finalized, we believe it will have no benefit and could increase project costs and development time.

Comments Attached

Please see attached document.

Please find the attached document

Please see attached comments from the Wyoming Association of Conservation Districts.

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http://www.whitehouse.gov/files/ceq/4-09_ceq_on_ces_nmoga_comments.pdf

http://www.whitehouse.gov/files/ceq/awea__comments_to_ceq_on_categorical_exclusion_4-9-10.pdf

http://www.whitehouse.gov/files/ceq/aashto_final_comments_on_ceqs_draft_categorical_exclusion_guidance.pdf

http://www.whitehouse.gov/files/ceq/4-10_comments_on_categorial_exclusion_guidance.doc

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Conservation Districts				
Kathleen Sgamma	Independent Petroleum Association of Mountain States	Denver	CO	Use of Categorical Exclusions
Don D. DeCarlo	Devon Energy Corporation	Oklahoma City	OK	Use of Categorical Exclusions

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Please find IPAMS comments attached.

Via Electronic Mail and U.S. Mail

The Council on Environmental Quality

Attn. Ted Boling

722 Jackson Place, NW

Washington, DC 20503

CE.guidance@ceq.eop.gov

April 9, 2010

Re: Devon Energy Corporation_s Comments Regarding the Council on Environmental Quality_s

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http://www.whitehouse.gov/files/ceq/ipams_categorical_exclusions_comments_to_ceq.pdf

<http://www.whitehouse.gov/files/ceq/Devon.pdf>

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National Environmental Policy Act Draft Guidance, Establishing, Applying, and Revising
Categorical Exclusions Under the National Environmental Policy Act

Dear Mr. Boling:

Devon Energy Corporation (Devon) is pleased to offer these comments on the National Environmental Policy Act Draft Guidance, Establishing, Applying, and Revising Categorical Exclusions Under the National Environmental Policy Act dated February 18, 2010, but noticed in the Federal Register on February 23, 2010 (Draft Guidance). 75 Fed. Reg. 8045 (Feb. 23, 2010).

Devon is a leading independent natural gas and oil exploration and production company. Devon's operations are focused onshore in the United States and Canada. The company's portfolio of gas and oil properties provides stable, environmentally responsible production and a platform for future growth. The company's production mix is approximately two-thirds natural gas and one-third oil and natural gas liquids, such as propane, butane and ethane. Devon produces over 2.5 billion cubic feet of natural gas each day, about 3 percent of all the gas consumed in North America.

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Joyce Dillard

na

Los Angeles

CA

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Comments on NEPA Draft Guidance Categorical Exclusions due 4.9.2010

Though you may be addressing agency Categorical Exemptions, the problem remains with application for grant funding from a Federal Agency.

Grant applicants must be required to maintain current plans. In California, General Plans and their Elements are required. Only the Housing Element is updated every five years.

There can be 20 year spreads with other elements, or the elements may not be adopted at all.
Take the CITY OF LOS ANGELES:

The CONSERVATION ELEMENT of the General Plan was adopted September 26, 2001, CF 01-1094 superseding the Open Space Element originally adopted June, 1973 and the Conservation Element originally adopted December, 1973. Twenty-eight (28) years occurred between these two plans. Now, with the City of Los Angeles being the densest in the country and with drought conditions enacted and utility rates increased, almost 9 years has passed from the last adoption.

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AIR QUALITY ELEMENT was adopted November 24, 1992, CF 91-2003, 7 years old and not reflecting AB 32 Greenhouse Gas Emissions.

NOISE ELEMENT adopted February 3, 1999, CF 96-1357 superseding the 1975 Noise Element. Eleven (11) years have passed and no update.

The SAFETY ELEMENT adopted November 26, 1996, CF 96-1810 superseding the 1975 Safety Plan, the 1974 Seismic Safety Plan and the 1979 Fire Protection and Prevention Plan. It does not reflect Ordinances 175790 and 179905 and Methane Mitigation. Fourteen (14) years have passed without an updated plan.

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Margaret D. Laney

BP America Inc.

Houston

Texas

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See attached comments from BP America Inc.

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http://www.whitehouse.gov/files/ceq/2010_04_09bp_comments_ceq_categorical_exclusions.pdf

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Darlene	Oregon DOT	Salem	Oregon	Use of Categorical Exclusions
Richard Spotts	private citizen	St. George	Utah	Monitoring Environmental Mitigation Commitments

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See attachment. Thank you for taking our comments

I strongly support and applaud this draft guidance on mitigation and monitoring under NEPA. I hope that this guidance will be finalized and fully implemented soon.

On page 1 in the second paragraph, I totally agree that "... mitigation and monitoring should be transparent and open." However, as you may know, many federal agencies' EAs now are long on mitigation and monitoring promises, but short on any documentation of actual fulfillment of those promises. The federal agencies tend to say what they need to for the appearance of NEPA compliance, with a low risk that their subsequent lack of implementation will be disclosed, or that their NEPA compliance may be found defective as a result.

As such, I also totally agree with the first full paragraph on page 2: "Mitigation adopted by an agency should be identified as binding commitments"

I further agree with the three central goals described. Of course, the key will be whether the agencies are held practically accountable by an objective third-party source, and whether there will be adverse consequences for agency officials who fail to fulfill their commitments.

One approach would be to treat such commitments as conditions. If the conditions are not fulfilled to an adequate level, the EA FONSI would become void and the agency could no longer rely on it

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http://www.whitehouse.gov/files/ceq/odot_comments_on_draft_ceq_guidance_on_ces_april_2010.doc

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Christina Giroux	Questar	Cheyenne	Wyoming	Use of Categorical Exclusions
Henri Bartholomot	Edison Electric Institute	Washington	District of Columbia	Use of Categorical Exclusions
Alysa Keller	Barrick Gold, North America Inc	Reno	Nevada	Use of Categorical Exclusions
Laura Koval	Fidelity Exploration and Production Company	Denver	Colorado	Use of Categorical Exclusions
Katie Sweeney	National Mining Association	Washington	District of Columbia	Use of Categorical Exclusions
Dan Regan	Interstate Natural Gas Association of America	Washington	District of Columbia	Use of Categorical Exclusions
Pam Lacey	American Gas	Washington	District of Columbia	Use of Categorical

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as the proper basis for authorizing the overall project or program. In this sense, the NEPA commitments are like conditions in a contract. If the conditions are breached, the contract becomes void or voidable. The public could assist CEQ in enforcing the final guidance if there is a web site where people can report allegations of absent or inadequate compliance with mitigation and monitoring commitments in completed NEPA documents. Agencies might also be required to establish a reporting system and database for tracking such compliance. CEQ staff or others could then independently check this database, and perhaps perform random checks on a percentage of projects to confirm the accuracy of the database. The case study of Army regulations was interesting. Has there been an independent investigation to determine whether these Army regulations have indeed been effective, and that they essentially walk their talk? Thank you very much for considering my comments.

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<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Questar%20Comments%20on%20CE.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/EEI%20cmts%204-9-10.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Barrick%20Comments%20to%20CEQ%20guidance%20regarding%20CEs.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Fidelity%20Comments%20on%20CE.doc>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/NMA%20Comments%20on%20CE.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/20100409%20INGAA%20Comments.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form->

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	Association			Exclusions
Holly Propst	Western Business Roundtable	Lakewood	Colorado	Use of Categorical Exclusions
Mary O'Brien	Grand Canyon Trust	Castle Valley	Utah	Use of Categorical Exclusions
Craig Johnson	Rio Tinto	South Jordan	Utah	Use of Categorical Exclusions
Stephanie Young	The Partnership Project	Washington	District of Columbia	Use of Categorical Exclusions
Andrea Miles	Devon Energy Corporation	Oklahoma City	Oklahoma	Use of Categorical Exclusions
Christina Tapal-C	Texas Department of Transportation	Austin	Texas	Use of Categorical Exclusions
Bryan Bird	Wild Earth Guardians	Sante Fe	New Mexico	Use of Categorical Exclusions

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Thank you for issuing new guidance for establishing, applying, and revisiing categorical exclusions (CEs) under the NEPA. It is important that there be clear and uniform guidance on CEs for action agencies that use them regularly. As you are aware, WildEarth Guardians, formerly Forest Guardians, has a long history of participation in public planning under the NEPA with a wide variety of agencies within the Department of Agriculture, Department of Interior, and Department of Commerce as well as with the EPA. We believe that we are eminently qualified to review and comment on the CEQ's draft guidance.

On the whole, the guidance is clear and concise. We agree generally with the language on establishing and revisiing CEs. The only comment we have at this time is regarding the application of CEs and the draft guidance. We are pleased to see reference to "extraordinary circumstances."

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http://www.whitehouse.gov/files/documents/ceq/form-submissions/AGA%20Com%20CEQ%20CatEx%20Guidance%20April%209_2010.pdf

http://www.whitehouse.gov/files/documents/ceq/form-submissions/WBRT_comments_NEPA_CEGuidance_4-9-10_FINALLINKED.pdf

http://www.whitehouse.gov/files/documents/ceq/form-submissions/GCT_Comments_CE_guidance.doc

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Rio%20Tinto%20Comments%20on%20CE.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Save%20Our%20Environment%20Comments%20on%20CE.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Devon%20Energy%20Corp%20CE%20comments%20CEQ.pdf>

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/TDOT%20Comments%20on%20CE.pdf>

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As you may be aware, extraordinary circumstances and categorical exclusions have been a source of controversy for some time and the last Administration exacerbated the problem by encouraging the use of CEs in many inappropriate circumstances but also issuing rules that permitted agencies such as the Forest Service to use a categorical exclusion in the presence of extraordinary circumstances as long as there were no significant affects foreseeable, the “mere presence” standard. We believe strongly that this interpretation is misguided and results in inappropriate use of CEs. Therefore, it should be explicit in the CEQ guidance for applying CEs that the presence of extraordinary circumstances does in fact preclude the use of a CE.

In addition, there is another circumstance that is at issue in current WildEarth Guardians’ litigation. The issue is whether action agencies can rely on ESA Section 7(a)(2) consultations with the U.S. Fish and Wildlife Service that reach “not likely to jeopardize the continued existence of” listed species” or “not likely to adversely modify” the designated critical habitat of listed species findings to conclude that there are no extraordinary circumstances present involving listed Threatened and Endangered species under NEPA. Our position is that the two processes, ESA consultation and NEPA, are independent and that finding that the continued existence of a species will not be jeopardized or that its designated critical habitat will not be adversely modified (for those listed species that enjoy designated critical habitat) is not the same level of scrutiny necessary to determine that a project will not have any potentially significant environmental impacts under NEPA. Additionally, NEPA is a public process and ESA Section 7 consultation is not. The absence of any public participation in the ESA Section 7 process deprives the public of any opportunity to alert action agency to potentially significant impacts to listed species that the action agency or the U.S. Fish and Wildlife Service might have inappropriately discounted. Accordingly, the mere presence of extraordinary circumstances such as the existence of threatened and endangered species or habitat for such species in the action area should preclude the use of a CE.

NEPA Public Comments

NEPA Public Comments

Preston Rufe	Formation Capital Corp	Salmon	Idaho	Use of Categorical Exclusions
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Susan Jane M. Brown	Western Environmental Law Center	Portland	Oregon	Use of Categorical Exclusions
Claire Moseley	Public Lands	Denver	Colorado	Use of Categorical

NEPA Public Comments

Thank you for the opportunity to comment on the CEQ's NEPA Draft Guidance "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act." We hope these comments are helpful to you in finalizing the guidance.

I hereby submit the following comments regarding the proposed guidance for categorical exclusions pursuant to NEPA.

1. Each Federal Agency has responsibility for implementing NEPA. The council on Environmental Quality (CEQ) has developed the Categorical Exclusion (CE) process to streamline the purpose of paperwork reduction and reduce delay associated with NEPA compliance. As such, each Agency has defined specific actions that define the appropriate use of categorical exclusions. If an inappropriate reliance upon CE's by an agency appears to compromise the intent of NEPA, then the CEQ NEPA Task Force needs to take corrective action for that agency. This is far more efficient than universally expending Federal resources that could undermine the intent of NEPA where it is being applied according to the full purpose of NEPA. To do otherwise is contradictory to the purpose for establishing new CE's.

2. Many industries and Federal agencies have relied on categorical exclusions, correctly, to effectively implement NEPA while not further encumbering an already tedious bureaucratic process. The Council for Environmental Quality (CEQ) should consider each agency's need for flexibility in implementing this guidance. CEQ should address how agencies are to deal with existing categorical exclusions (i.e., will agencies need to go through the process defined by this guidance for establishing categorical exclusions for existing categorical exclusions, as defined by each agency's regulations?).

See attachment

See attachment

NEPA Public Comments

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/WELC%20Comments%20on%20CEQ%20CE%20Guidance.pdf>

NEPA Public Comments

	Advocacy			Exclusions
Sarah Francisco	Southern Environmental Law Center	Charlottesville	Virginia	Use of Categorical Exclusions
Nick Goldstein	American Road and Transportation Builders Association	Washington	District of Columbia	Use of Categorical Exclusions
Marc Miller	University of Arizona College of Law	Tucson	Arizona	Consideration of Greenhouse Gases
David Ives	DOC/EDA	Washington	DC	Use of Categorical Exclusions
Wendy Thomas	Virginia Department of Transportation	Richmond	Virginia	Use of Categorical Exclusions

NEPA Public Comments

See Attachment

See attachment

See attached comments.

please see attached document for the Economic Development Agency's comments on the draft guidance.

The Virginia Department of Transportation's comments on the NEPA Draft Guidance "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act" are as follows:

The Virginia Department of Transportation (VDOT) appreciates the opportunity to provide comments on the draft guidance, "Establishing and Applying Categorical Exclusions under the National Environmental Policy Act," issued by the Council on Environmental Quality (CEQ) on February 18, 2010. The purpose of the document is to provide guidance to federal agencies on how to create new categories of actions that do not individually or cumulatively have a significant effect on the environment. It is our understanding that CEQ developed this draft guidance as a recommendation from a CEQ NEPA task force. The recommendation identified a need to issue clarifying guidance on creating new categorical exclusions because "categorical exclusions are the most frequently employed method of complying with NEPA" and "an inappropriate reliance on

NEPA Public Comments

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/PLA%20CEQ%20CX%20final%20comments.doc>

http://www.whitehouse.gov/files/documents/ceq/form-submissions/SELC_comments_CE_guidance_4-9-2010.pdf

<http://www.whitehouse.gov/files/documents/ceq/form-submissions/ARTBA%20Comments%20Re%20NEPA%20CE%20Draft%20Guidance.pdf>

http://www.whitehouse.gov/files/ceq/university_of_arizona.pdf

http://www.whitehouse.gov/files/ceq/ce_nepa_guidance_review_eda_051810.doc

NEPA Public Comments

G.H. Holliday	Holliday Environmental Services, Inc	Bellaire	Texas	Use of Categorical Exclusions
Jonathan Oppenheimer	Idaho Conservation League	Boise	Idaho	Use of Categorical Exclusions

NEPA Public Comments

categorical exclusions may thwart the purposes of NEPA” (page 2 of guidance).

VDOT processes a significant number of federally eligible projects with categorical exclusions (including programmatic categorical exclusions). The use of categorical exclusions, consistent with existing regulations, is critical to maintaining an efficient environmental review process in accordance with NEPA and FHWA’s implementing regulations. The widespread use of categorical exclusions is one of the success stories relating to the implementation of NEPA. We are concerned that the proposed guidance will discourage the use of categorical exclusions, adding time and cost to the project development process.

We are unaware of any pattern of use of categorical exclusions in Virginia or elsewhere that does not comply with existing regulation. We work closely with our FHWA Division Office to develop projects as efficiently as possible and in compliance with all requirements. Our FHWA Division Office has not indicated a concern with our use of categorical exclusions. We are, however, concerned that existing efficiencies relating to the processing of projects as categorical exclusions may be compromised by CEQ’s proposed guidance. We do not believe the guidance is necessary. If it is finalized, we believe it will have no benefit and could increase project costs and development time.

We have also submitted these comments through CEQ’s online comments submission tool at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/submit?topic=Use%20of%20Categorical%20Exclusions>.

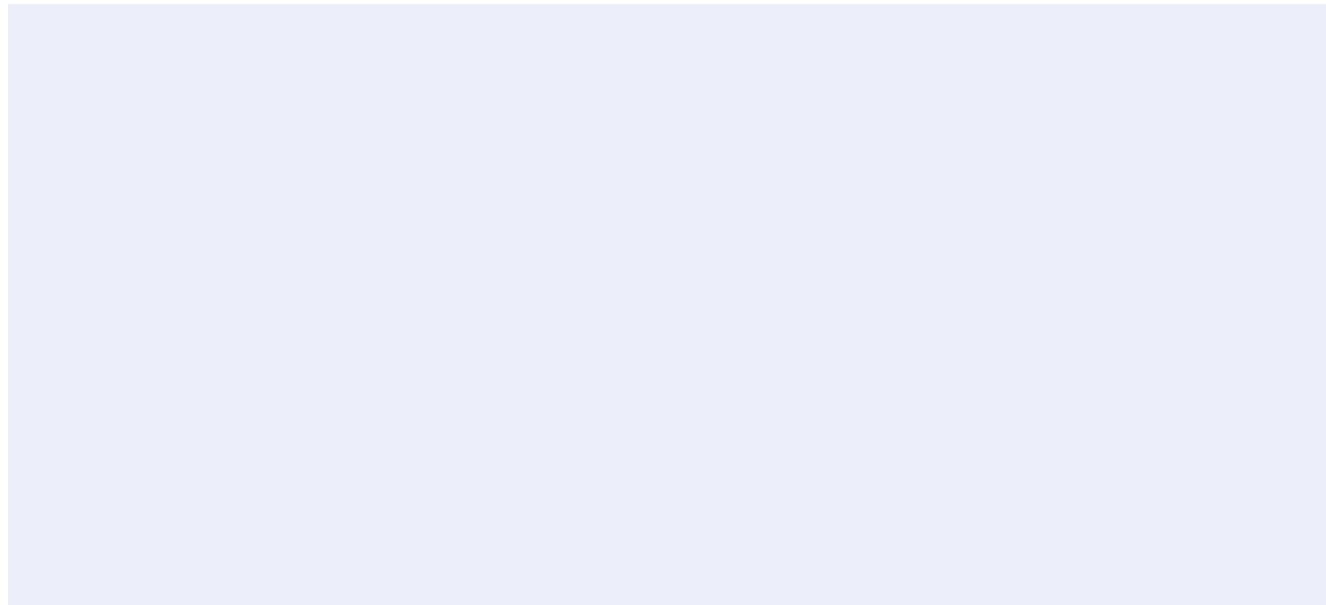
See attachment

For over thirty years, the Idaho Conservation League has worked to protect Idaho’s clean water, wilderness, and quality of life through citizen action, public education, and professional advocacy.

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<http://www.whitehouse.gov/files/documents/ceq/form-submissions/Holliday%20Environmental%20Services%20Cat%20Ex%20Comments.doc>

NEPA Public Comments



Doug Heiken

Oregon Wild

Eugene

Oregon

Use of Categorical
Exclusions

NEPA Public Comments

As Idaho's leading voice for conservation, we represent over 9,500 members, many of whom have a deep personal interest in protecting and restoring our water, wildlands and wildlife.

In general we support standardizing the development and application of Categorical Exclusions. We feel that stronger guidance is warranted in order to notify the public as to the development and application of CEs. In our experience CE projects and protocols have been subject to abuse. In particular, we suggest that agencies develop categories of CEs that are subject to notice and comment procedures in order to ensure that the public is provided the opportunity to engage in the NEPA process. Too often, CEs are utilized in order to avoid public scrutiny. Clearly this is not the purpose envisioned by CEQ and by the NEPA itself.

We appreciate the opportunity to submit these comments and would be happy to answer any questions you may have or to provide any additional input. We look forward to reviewing the final directive.

Please accept the following comments from Oregon Wild concerning the CEQ Guidance of Categorical Exclusions published in the Fed Reg. February 23, 2010. Oregon Wild represents about 7,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Our goal is to protect areas that remain intact while striving to restore areas that have been degraded.

We work mostly with the USDA Forest Service and the USDI Bureau of Land Management, but we have also participated in NEPA processes involving DOE, APHIS, FDA, USDOT, Park Service, Homeland Security, and other agencies.

Implementation of the CEQ regulations relating to categorical exclusions is of utmost important. This is because NEPA procedures are equivalent to the Bill of Rights or more appropriately the Due Process requirements for decisions affecting the environment that all humans depend on. The

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categorical exclusion rules potentially allow these fundamental procedural protections to be waived, so if it's not implemented appropriately, then important public processes are corrupted.

The Bush administration advanced a radical agenda of expanding the use of CEs far beyond their intended purpose. CEQ should take steps to review and rescind inappropriate CEs that were previously adopted. An example is the acreage-based "limited timber sale" CE's issued by the US Forest Service after the previous volume-based CEs were invalidated by the courts as arbitrary and capricious. The acreage-based CEs are just as arbitrary as the old CEs and they allow logging an order-of-magnitude more timber volume than the old CEs.

The Bush administration's fuel reduction CEs (in the USFS and BLM) are equally if not more flawed. These CEs were justified based on flawed evidence such as an unscientific review of EA, few of which were found to have significant effects triggering an EIS. Suffice it to say that a large number of FONSI's is not evidence of a category of actions that are suitable for a blanket CE. The fuel CEs are really just a way of increasing timber harvest without carefully considering the consequences.

Our comments on the USFS limited timber harvest and fuel reduction CEs are attached.

We urge that the public be given a role in evaluating potential CEs so that the thresholds and criteria are not abused by bureaucrats who may abuse their discretion. Agencies should be required to notify the public and provide for public comment on the proposal to categorically exclude projects from NEPA. We find that the agencies often use CEs to do things completely outside of the public view. We think this is inappropriate.

Keep in mind that Congress may have adopted policies that implicitly limit certain agencies' use of CEs. For instance, in the 1992 Appeal Reform Act (ARA), Congress requires public involvement

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Donald Sparklin

Maryland State
Highway
Administration

Annapolis

Maryland

Use of Categorical
Exclusions

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The Maryland State Highway Administration wishes to offer the following comments on the draft guidance for Establishing, Applying and Revising Categorical Exclusions Under NEPA. Please consider these comments as you develop the final version of this guidance. We will also be supporting the comments to be provided by AASHTO's Executive Director, John Horsley.

- The guidance could use additional clarification to distinguish CEQ reviews of project versus program level CEs. CEQ review of project-level CEs presents some concern to the Maryland State Highway Administration in our ability to meet project schedules and could elongate them if CEQ reviews/monitors requests for individual project-related CEs. Recommend that CEQ oversight should be limited to reviewing federal agency CE policies/programs.
- The guidance includes much redundancy and should be streamlined/clarified for the end users.
- Recommend that FHWA HQ poll division offices/state DOTs for proposed revisions to CE classifications as part of an overall review of how CEs are applied to highway projects. This would serve to streamline the process of seeking approval of new CE categories by utilizing a coordinated nation-wide effort in which state-DOTs could share experiences and insights into the additional actions in which they have experience with and/or have utilized CEs, rather than undertaking this as a state by state initiative.
- Please clarify whether the states can take the lead in completing the procedures for establishing CEs. It appears they can, except for consultation w/CEQ.
- Under 1, Evaluating Implemented Actions, provide an example of a discrete action analyzed in an EIS that analyzed a broad management action.

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Walt Zyznieuski

Illinois Department
of Transportation

Springfield

Illinois, USA

Consideration of
Greenhouse Gases

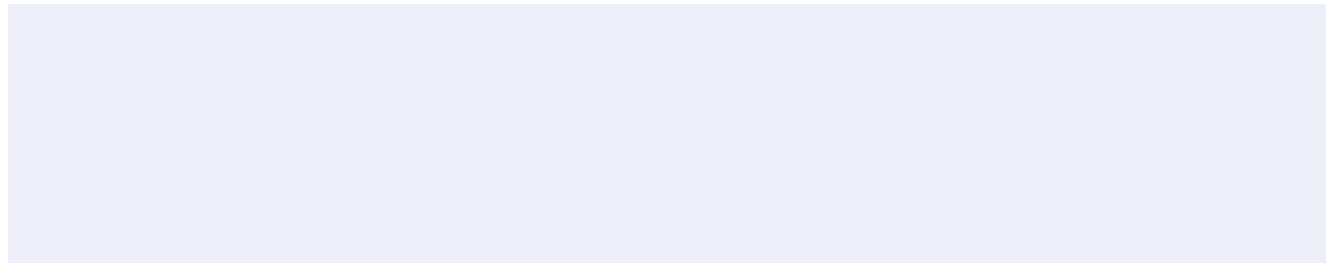
NEPA Public Comments

1. We recommend that "indirect" GHG emission analysis be stricken throughout this guidance memorandum. Estimating indirect GHG as a result of a transportation project is almost impossible to do, would be prohibitively expensive to undertake, and speculative at best. Page 2 of the draft guidance specifically states "...and not devote effort to analyzing wholly speculative effects." We concur.
2. The draft guidance is primarily written for stationary sources and projects. We recommend that the final guidance consider providing additional guidance for transportation sources.
3. Page 3 states that federal agencies should "(3) qualitatively discuss the link between such GHG emissions and climate change." We recommend that CEQ provide an example qualitative analysis that discusses the link between GHG emissions and climate change that federal agencies can adopt for their NEPA documents.
4. First complete sentence on Page 5 of the draft guidance. The following should be added to the end of the sentence: "if the project exceeds the 25,000 metric tons of CO₂." We do not think that a Scoping Meeting should dictate if a GHG analysis is required. What if the project contribution was 10,000 metric tons, yet during the project Scoping agencies insisted that the lead federal agency perform a GHG analysis? We think that if during the project Scoping a recommendation is made to do a GHG analysis, in order to do so, the project must exceed the 25,000 metric ton level in order to perform a GHG emissions analysis.
5. Page 5, first complete paragraph, third sentence. See comment #4.
6. Pages 5-6, last paragraph on page 5 and continuing paragraph on page 6. We encourage the use of programmatic analysis that we can incorporate into the NEPA analysis. We encourage CEQ to allow the use of Metropolitan Planning Organization regional GHG analysis, or perhaps even statewide GHG analysis that can be incorporated by reference. This information may provide a better perspective on GHG emissions rather than a specific transportation project.
7. Page 6, first complete paragraph. We encourage the CEQ guidance on mitigation efforts be an "evaluation" of mitigation, and not necessarily a mandate to perform mitigation. It may be hard to mitigate for GHG emissions for projects, particularly for mobile source projects.

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NEPA Public Comments



Clark Tibbs

Vertical Horizons
One, Inc. and
Petrotech

Newark

Ohio

Monitoring
Environmental
Mitigation
Commitments

NEPA Public Comments

8. Page 11, Conclusion, third sentence. This sentence implies that GHG must be mitigated, while this first complete paragraph on page 6 states "evaluates" mitigation. We believe that this sentence should be revised to read: "Where an agency....climate change impacts and evaluate mitigation strategies, for the GHG emissions..."

CEQ should be aware that it may not be possible to mitigate GHG for projects, therefore, should not necessarily require mitigation, but instead allow federal agencies to "evaluate" mitigation efforts.

TO: Carol Browner and Helen Dawson helen.f.dawson@uscg.mil

Commandant - US Coast Guard

2100 2nd St -- Stop 7581

Washington, DC 20593-7581 USA

(202) 475-3271

VHO, Inc. hereby offers for sale to the US Government and/or BP and/or Transocean ... the product named "Petrotech" for Oil Spill clean up.

Please see this link: <http://www.epa.gov/emergencies/content/ncp/products/petrotec.htm>

Please see this Attachment. Please see these Videos. Visit our site <http://www.VHOne.net>

We hope to hear from you soon !

Clark Tibbs

Vertical Horizons One, Inc.

CAGE CODE: 1YVT1

TIN: 31-1797173

SBA 8(a) Certification # 108919 -- Service Disabled Veteran Owned Small Business (SDVOSB)

Phone: 740.366.9013 Fax: 740.366.5230 Cell: 740.502.9010

NEPA Public Comments



NEPA Public Comments

NEPA Public Comments

E-mail: VHO@roadrunner.com -or- CTA@ee.net

-

----- Original Message -----

From: Clark Tibbs VHO-PVI-CTA

To: Gulf of Mexico-Transocean Drilling Incident

Cc: lgr.epa@epamail.epa.gov ; RMPRC@epacdx.net ; sherry.richard@deepwater.com ;

Daren.Beaudo@BP.com ; CGBPSpill@gmail.com ; Jeremy.L.Green@USCG.MIL ;

guy.cantwell@deepwater.com ; info@deepwater.com ; BB-Bob Bayless ; jackson.lisa@epa.gov ;

stanislaus.mathy@epa.gov ; owens.steve@epa.gov ; silva.peter@epa.gov ;

mccarthy.gina@epa.gov

Sent: Wednesday, April 28, 2010 4:05 AM

Subject: To Swanson-DHJIC -- Petrotech Videos for Oil Spill Remediation + Fire Suppression --

(Gulf of Mexico-Transocean Drilling Incident) Inquiry Response (209667)

Hello P.O. Swanson, Direct: (985) 902-5240

-

... Thank you for taking my call.

-

Please review and forward for immediate "due diligence review" and action.

-

SUBJECT: Petrotech Videos ... for Oil Spill Remediation + Fire Suppression

VIDEO DEMONSTRATIONS – Petrotech - Petromist in Use

Below are real-life video demonstrations of Petrotech in use.

NEPA Public Comments

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Piper Corp

Ecological Society
of America

Washington

District of Columbia

Consideration of
Greenhouse Gases

NEPA Public Comments

See attached comment.

NEPA Public Comments

NEPA Public Comments

Tony Tancini	Graduate Student	Pemberton	New Jersey	Consideration of Greenhouse Gases
Bruce Pendery	Wyoming Outdoor Council	Lander	Wyoming	Consideration of Greenhouse Gases
Bruce Pendery	Wyoming Outdoor Council	Lander	Wyoming	Monitoring Environmental Mitigation Commitments
Bruce Pendery	Wyoming Outdoor Council	Lander	Wyoming	Use of Categorical Exclusions
Erwin Roemer	none for this comment	Yellow Springs	Ohio	Monitoring Environmental Mitigation Commitments
Karen Vitulano	NEPA Practitioner	Daly City	California	Consideration of Greenhouse Gases

NEPA Public Comments

The following attachment provides public comment on the draft guidance that the Council on Environmental Quality (CEQ) issued for “public consideration and comment on the ways in which Federal agencies can improve their consideration of the effects of greenhouse gas (GHG) emissions and climate change in their evaluation of proposals for Federal actions under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq” (Council on Environmental Quality (CEQ), Memo). The three target areas that the CEQ should provide initial guidance for reducing GHG emissions are

- 1.) Net Zero Building Program
- 2.) Sustainable Military Installations, and
- 3.) Holistic Green FEDFLEET Program.

See attached.

See attached comment

See attached comment.

First full paragraph p. 4 of “Draft Guidance for NEPA Mitigation...”:

Original text “To inform performance expectations, mitigation goals should be stated clearly.”

Suggested change “To inform performance expectations, mitigation goals should be stated clearly including that where multiple mitigation measures are necessary for a given project they will be developed in an integrated fashion.”

Unclear direction on when and how to evaluate GHG emissions:

The guidance does not provide clear and direct guidance on how or in what circumstances federal

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ceq_nepa_comments.pdf

http://www.whitehouse.gov/files/ceq/wyoming_outdoor_council_comments_0.pdf

http://www.whitehouse.gov/files/ceq/wyoming_outdoor_council.pdf

http://www.whitehouse.gov/files/ceq/wyoming_outdoor_council_comments.pdf

http://www.whitehouse.gov/files/ceq/comments_on_ceq_ghg_guidance_-_k_vitulano.doc

NEPA Public Comments

Greenhouse Gases

NEPA Public Comments

The guidance does not provide clear and direct guidance on how or in what circumstances federal agencies should include GHG analyses. It takes careful reading and study to extract from different sections of the document what the guidance seems to be saying. Although identified in different discussions on different pages, it appears that CEQ is saying that there are 5 different categories that warrant discussion:

- 1) When a project has long-term direct emissions of 25,000 mty (p. 1, 3rd para.). CEQ says this is “an indicator of a minimum level of GHG emissions that may warrant some description”.
- 2) If the project will emit in quantities the agency finds may be meaningful (not defined), they should disclose direct and indirect emissions (p. 2 last para). CEQ implies that 25,000 mty direct emissions is meaningful (“Specifically, if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of CO₂-equivalent GHG emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public.”). Therefore, it appears to be saying that if the project emits 25,000 mty direct emissions, the NEPA analysis should disclose both direct and indirect emissions. The CEQ guidance should clearly state this. Also, it appears that CEQ is stating that projects emitting 25,000 mty direct emissions are significant sources but this does not necessarily translate to significant impacts as defined in the CEQ Regulations. If so, the guidance should clearly state this.
- 3) Possibly when a project has direct emissions of less than 25,000 mty, but no criteria are provided for this determination. CEQ only says that they encourage federal agencies to consider “..whether the actions LT emissions should receive similar analysis”. CEQ should provide guidance for these projects and not simply state that “emissions from many proposed Federal actions would not typically be expected to produce an environmental effect that would trigger or otherwise require a detailed discussion in an EIS.” (p. 3, 3rd para). One suggestion is to suggest an approach that incorporates best management practice (BMPs) or performance standards. For projects that emit less than 25,000 mty direct emissions, to be considered less than significant, agencies should demonstrate that all applicable BMPs or performance standards requiring carbon

NEPA Public Comments

NEPA Public Comments

Jeffrey Goldis

Equator
Environmental, LLC

New York

New York

Consideration of
Greenhouse Gases

NEPA Public Comments

April 23, 2010

Ms. Nancy Sutley, Chair
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20503

Dear Ms. Sutley:

Equator, LLC (“Equator”) submits these comments in response to the CEQ’s recent memorandum, Draft NEPA Guidance on Consideration of Climate Change and Greenhouse Gas Emissions. Equator is a leading asset management company specializing in the creation, management and commercialization of high-quality carbon credits and other environmental assets derived principally from forest and land-based activities in the United States and Latin America.

The CEQ’s memorandum proposes that strategies for mitigating of GHG should be evaluated for “permanence, verifiability, enforceability, and additionality.” This language seems to refer to carbon offsets as these exact criteria are used by existing standards to credit emissions reductions and issue carbon offsets. Further, the memorandum lists potential GHG mitigation options such as enhanced energy efficiency, lower GHG-emitting technology and renewable energy, which are all activities that currently are certified and credited as carbon offsets under existing standards. However, the memorandum does not explicitly identify carbon offsets as a potential option available to Federal agencies to mitigate GHG emissions. Including specific reference to carbon offsets in the language of the memorandum would provide clarification to agencies evaluating possible mitigation alternatives as part of their NEPA analysis requirements. Purchasing and subsequently retiring carbon offsets from third-party verified projects is an established method for mitigating GHG emissions. Strict monitoring and public reporting requirements required by carbon

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/equator_comments_on_ceq_draft_nepa_guidance_on_consideration_of_the_effects_of_climate_change_and_greenhouse_gas_emissions.pdf

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Piper Corp	Ecological Society of America	Washington	District of Columbia	Consideration of Greenhouse Gases
Frank Ongaro	Mining Minnesota	Duluth	Minnesota	Use of Categorical Exclusions
Doug Heiken	Oregon Wild	Eugene	Oregon	Consideration of Greenhouse Gases

NEPA Public Comments

offset projects would ensure that Federal GHG mitigation activities are readily quantifiable and transparent to the public.

Furthermore, the inherent requisites of carbon offset projects outlined above would also allow Federal agencies to adhere to the monitoring and reporting guidelines set forth separately in the CEQ's draft Guidance Memorandum for NEPA Mitigation and Monitoring. Offset projects expressly require the binding legal commitments and public monitoring necessitated by the guidance in this memorandum. Clarifying that carbon offset projects are a potential option available to Federal agencies would provide increased certainty necessary for investment in development projects and support the implementation of GHG emission reduction projects.

Equator strongly urges the CEQ to include language specifically referencing carbon offsets in its final Guidance Memorandum. We sincerely appreciate the hard work of the CEQ and would appreciate your consideration of our comments.

Sincerely,

Jeffrey Goldis

Associate

Equator, LLC

See attached comment.

See attached comments.

See attached document.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/esa_nepa_climate.pdf

http://www.whitehouse.gov/files/ceq/mining_minnesota.pdf

http://www.whitehouse.gov/files/ceq/ceq_nepa_guidance_on_ghg_cmt_5-11-2010_ceq.doc

NEPA Public Comments

Arizona Game and Fish Department	State Game and Fish Agency	Phoenix	Arizona	Consideration of Greenhouse Gases
Anton A. Chiono	Pacific Forest Trust	San Francisco	CA	Consideration of Greenhouse Gases
Derik Broekhoff	Climate Action Reserve	Los Angeles	California	Consideration of Greenhouse Gases
Dan Keppen	Family Farm Alliance	Klamath Falls	Oregon	Monitoring Environmental Mitigation Commitments
Robert A. Wyman	Latham & Watkins	Los Angeles	CA	Consideration of Greenhouse Gases
Nicholas Patton	Environmental Defense Center	Santa Barbara	California	Consideration of Greenhouse Gases
Deborah Seligman	New Mexico Oil & Gas Association	Santa Fe	NM	Consideration of Greenhouse Gases
Lisa Ochsner	Port of Los Angeles	San Pedro	California	Consideration of Greenhouse Gases
Lori Ballance	John Wayne Airport	Orange County	California	Consideration of Greenhouse Gases
Dianna Noble	Texas Department of Transportation	Austin	Texas	Monitoring Environmental Mitigation Commitments
Dianna F. Noble, P.E.	Texas Department of Transportation	Austin	Texas	Consideration of Greenhouse Gases

NEPA Public Comments

Attachment provides comments on all draft guidance.

See attached file.

Please see attached file.

Please see attached letter.

See attachment

Please see attachment

Attached are comments from the New Mexico Oil and Gas Association

See attached comment letter.

Please see the attached letter.

See Attached...

See attached

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/2010_05_12_nepa_modernization_letter.pdf

http://www.whitehouse.gov/files/ceq/car_comments_on_draft_nepa_guidance.pdf

http://www.whitehouse.gov/files/ceq/nepa_regualtions_may_2010.pdf

http://www.whitehouse.gov/files/ceq/ncc_comments_on_ceq_draft_nepa_ghg_guidance.pdf

http://www.whitehouse.gov/files/ceq/edc_letter_to_ceq_re_draft_nepa_guidance_-_ghg_emissions_5-18-10.pdf

http://www.whitehouse.gov/files/ceq/5-19-2k10_nmoga_comments_on_ceq_ghg_-_upload.pdf

http://www.whitehouse.gov/files/ceq/ceq_comment_letter.pdf

<http://www.whitehouse.gov/files/ceq/FinalLetterTedBolingCEQ.pdf>

http://www.whitehouse.gov/files/ceq/ted_boling_ltr_ghg.pdf

NEPA Public Comments

Gary C. Fawver	Pennsylvania Department of Transportation	Harrisburg	PA	Consideration of Greenhouse Gases
David Ives	DOC/EDA	Washington	DC	Monitoring Environmental Mitigation Commitments
Larissa Mark	National Association of Home Builders	Washington	DC	Consideration of Greenhouse Gases
Ed Barry	Sustainable World Initiative + others	Washington	DC	Consideration of Greenhouse Gases
Deidre G. Dunan	Hunton & Williams LLP	Washington	D.C.	Consideration of Greenhouse Gases
Deidre G. Duncan	Hunton & Williams LLP	Washington	DC	Consideration of Greenhouse Gases
GREGORY M. ADAMS	Los Angeles County Sanitation Districts	Whitter	California	Consideration of Greenhouse Gases
T. Peter Ruane	American Road & Transportation Builders Association	Washington	DC	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

Comments are noted in the attachment.

please see attached document for the Economic Development Agency's comments on the draft guidance.

On behalf of the over 175,000 members of the National Association of Home Builders (NAHB), I respectfully submit these comments in response to the Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions released on February 18, 2010. If you have any questions please contact Larissa Mark at 202-266-8157 or via email at lmrk@nahb.org.

The numerous endorsers of the attached 'Call to Action' ask the CEQ to over-see broad national sustainability evaluation and reporting.

See attached.

See attached.

See draft comment letter.

Attached please find comments from the American Road & Transportation Builders Association regarding the recently proposed guidance on NEPA Mitigation and Monitoring.

If you have any questions or problems with the document, please call (202) 289-4434 ext. 207 or email ngoldatein@artba.org.

Thank you.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/monitoring_nepa_guidance_review_eda_051810.doc

http://www.whitehouse.gov/files/ceq/05242010_nahbcomments_ceq_draft_guidance_climatechangenepa.pdf

http://www.whitehouse.gov/files/ceq/call_for_action524.doc

http://www.whitehouse.gov/files/ceq/feep_ghg_comments.doc

http://www.whitehouse.gov/files/ceq/lacsd_comment_ltr_on_draft_nepa_ghg_guidance.pdf

http://www.whitehouse.gov/files/ceq/artba_comments_re_nepa_mitigation_and_monitoring.pdf

NEPA Public Comments

T. Peter Ruane	American Road & Transportation Builders Association	Washington	DC	Consideration of Greenhouse Gases
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Bobbie Frank	Local government association	Cheyenne	Wyoming	Monitoring Environmental Mitigation Commitments
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Bobbie Frank	Wyoming Association of Conservation Districts	Cheyenne	WYoming	Consideration of Greenhouse Gases
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Kathleen Sgamma	Independent Petroleum Association of Mountain States	Denver	CO	Consideration of Greenhouse Gases
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Victor Flatt	University of North Carolina	Chapel Hill	North Carolina	Consideration of Greenhouse Gases
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Jon Gurish	Coastal Conservancy	Oakland	California	Consideration of Greenhouse Gases
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Mary O'Brien	Grand Canyon	Castle Valley	Utah	Consideration of
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NEPA Public Comments

Thank you.

Attached please find comments from the American Road & Transportation Builders Association regarding the recently released NEPA guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions.”

If you have any questions or problems with the document, please call (202) 289-4434 ext. 207 or email ngoldatein@artba.org.

Thank you.

please see attached

Please see attached

Please accept the attached comments.

See Attached

See Attached.

See Attached.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/artba_comments_re_nepa_climate_change_effects_guidance.pdf

http://www.whitehouse.gov/files/ceq/final_5-10_ceq_nepa_mitigation_comments.doc

http://www.whitehouse.gov/files/ceq/final_5-10_ceq_nepa_chg_comments.doc

http://www.whitehouse.gov/files/ceq/ipams_comments_to_ceq_on_nepa_analysis_of_climate_change.pdf

http://www.whitehouse.gov/files/ceq/unc_school_of_law.doc

http://www.whitehouse.gov/files/ceq/coastal_conservancy.doc

http://www.whitehouse.gov/files/ceq/utah_forests.doc

NEPA Public Comments

	Trust			Greenhouse Gases
Anna K. Schwab	University of North Carolina	Chapel Hill	North Carolina	Consideration of Greenhouse Gases
Kendra Keller	American Farm Bureau Federation	Washington	District of Columbia	Consideration of Greenhouse Gases
Mark Compton	Northwest Mining Association	Spokane	Washington	Consideration of Greenhouse Gases
Heather Lowe	Maryland State Highway Administration	Baltimore	Maryland	Consideration of Greenhouse Gases
Mary O'Brien	Grand Canyon Trust	Castle Valley	Utah	Consideration of Greenhouse Gases
Stephanie Young	The Partnership Project	Washington	District of Columbia	Monitoring Environmental Mitigation Commitments
Wendy E. Thomas	Virginia Department of Transportation	Richmond	Virginia	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

See Attached.

See Attached.

See Attached.

See Attached.

See Attached.

See Attached.

We appreciate the opportunity to provide comments on the "Draft Guidance for NEPA Mitigation and Monitoring," issued by the Council on Environmental Quality (CEQ) on February 18, 2010. The purpose of this draft document is to provide guidance on mitigation and monitoring of activities undertaken during the NEPA process. The proposed guidance references "several studies" indicating that "ongoing agency implementation and monitoring of mitigation measures is limited and in need of improvement" (page 1 of guidance). In response, CEQ proposes three goals related to mitigation and monitoring. First, mitigation should be considered throughout the NEPA process. Second, a monitoring program should be created or strengthened to ensure mitigation is implemented. Third, public participation should be supported through proactive disclosure of and access to mitigation monitoring reports.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/unc_csnhd.pdf

<http://www.whitehouse.gov/files/ceq/AFBF.pdf>

http://www.whitehouse.gov/files/ceq/northwest_mining_association.pdf

http://www.whitehouse.gov/files/ceq/sha_nepa_mit_and_monitoring_comments.xls

http://www.whitehouse.gov/files/ceq/utah_forest_program_manager.doc

http://www.whitehouse.gov/files/ceq/partnership_project.pdf

NEPA Public Comments

NEPA Public Comments

The Virginia Department of Transportation recognizes and complies with multiple federal environmental laws and regulations requiring mitigation and monitoring. These laws and regulations relate to environmental resources including threatened and endangered species, water quality, historic properties, etc. Mitigation and monitoring are linked to specific resources already protected by the wide range of resource-specific environmental laws and regulations. We believe, however, that as a procedural statute requiring informed decisions, NEPA does not impose a substantive obligation to require mitigation. In fact, the word “mitigation” (or any derivation of the word) does not appear in the statute. NEPA established a process that supports a decision.

We believe CEQ went beyond their authority when they expanded upon NEPA requirements in their regulations (40 CFR 1500-1508) by first introducing the concept of mitigation as a consideration in NEPA decision-making. CEQ is now proposing to further expand their authority through this guidance that addresses the implementation and monitoring of mitigation commitments, going beyond the NEPA decision-making process. The Guidance exceeds the requirements of NEPA by taking it beyond a decision-based procedural statute to one trending towards requiring the implementation and monitoring of mitigation. We believe this guidance will increase project costs and create delays by adding to the burden of litigation. In addition, we believe this guidance is duplicative of existing resource-specific laws and regulations already requiring mitigation and monitoring. While we recognize the obligation to comply with requirements relating to mitigation and monitoring already established in a complex assortment of federal laws and regulations, we do not support giving project opponents another basis to challenge federal actions nor do we support the self-imposed expansion of CEQ’s authority.

Finally, the guidance says “CEQ seeks to enable agencies to create successful mitigation planning and implementation procedures with robust public involvement and monitoring programs” (page 1). We believe that agencies already are empowered to create whatever mitigation procedures they

NEPA Public Comments

NEPA Public Comments

T. Bently Wigley	National Council for Air and Stream Improvement, Inc.	Clemson	South Carolina	Monitoring Environmental Mitigation Commitments
David Ives	DOC/EDA	Washington	DC	Consideration of Greenhouse Gases
Mike Nasi	Gulf Coast Lignite Coalition	Austin	Texas	Consideration of Greenhouse Gases

NEPA Public Comments

determine to be appropriate. We are not aware of a law or regulation that limits project related environmental mitigation. If CEQ is truly interested in enabling more rigorous mitigation procedures, however, they should enable additional funding to support that objective.
See Attached.

please see attached document for the Economic Development Agency's comments on the draft guidance.

The Council on Environmental Quality

Attn: Ted Boling

722 Jackson Place, N.W.

Washington, D.C. 20503

Re: National Environmental Policy Act (NEPA) Draft Guidance, "Consideration of the Effects of Climate Change and Greenhouse Gas Emissions."

75 Fed. Reg. 8,046 (Feb. 23, 2010)

Comments of Gulf Coast Lignite Coalition

Dear Mr. Boling:

Thank you for the opportunity to submit comments on the Council on Environmental Quality's (CEQ) draft guidance, "Consideration of the Effects of Climate Change and Greenhouse Gas Emissions" under the National Environmental Policy Act (NEPA). The Gulf Coast Lignite Coalition (GCLC) is a coalition of entities that own or operate lignite and coal-fired power plants in Texas, Louisiana, and Mississippi. In Texas alone, these industries represent over 10 billion dollars in annual expenditures and over 33,000 permanent jobs.

GCLC supports the CEQ's efforts to provide guidance on the extent to which the NEPA review of a proposed federal action must discuss the proposed action's greenhouse gas (GHG) emissions or potential impacts on climate change. Any guidance issued by the CEQ on this important issue

NEPA Public Comments

<http://www.whitehouse.gov/files/ceq/NCASI.pdf>

http://www.whitehouse.gov/files/ceq/ghg_nepa_guidance_review_eda_051810.doc

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NEPA Public Comments

should provide clear standards and safe harbors for federal agencies seeking to carry out an adequate and efficient environmental review of the proposed action. The NEPA review process can already be extraordinarily expensive and time-consuming, requiring millions of dollars and several years to complete, and GCLC is concerned that the Draft Guidance would only increase the time, expense, uncertainty, and potential for litigation involved in NEPA reviews.

GCLC supports and joins in the comments of the Edison Electric Institute (EEI) and the National Mining Association (NMA) and would emphasize the specific comments laid out below:

1. The CEQ's Draft Guidance would increase the time and expense of NEPA reviews while also increasing the potential for litigation because the Guidance fails to create bright lines and safe harbors for the scope of NEPA reviews.

The Draft Guidance proposes uncertain and unclear standards for both the situations in which NEPA reviews should be conducted on the basis of climate impacts and the scope climate impacts discussion in the NEPA reviews. For instance, the Draft Guidance suggests that the federal agency's analysis should "qualitatively discuss the link between [the project's] GHG emissions and climate change." The Draft Guidance provides no examples of what this qualitative analysis should involve, even as the CEQ acknowledges that the link between an individual facility's emissions and specific climatological changes is difficult to understand. To remedy this issue, GCLC suggests that all references to qualitative analysis be removed from the Guidance, as any qualitative discussion would necessarily be speculative and of limited value to decisionmakers or the public.

Additionally, the Draft Guidance indicates that all facilities with direct GHG emissions of more than 25,000 metric tons should include discussion and analysis of climate impacts. Alone, this would provide helpful guidance to federal agencies seeking to determine whether the scope of the environmental review is adequate. However, the Draft Guidance also provides that the 25,000 metric ton threshold is "not an absolute standard for insignificant effects," leaving open the possibility that lower emissions might be require detailed discussion and analysis. This uncertain and indeterminate guidance does not serve federal agencies or the regulated community well.

NEPA Public Comments

NEPA Public Comments

Mark Wenzler

National Parks
Conservation
Association

Washington

DC

Consideration of
Greenhouse Gases

NEPA Public Comments

Please see attached comments submitted on behalf of the National Parks Conservation Association. Thank you.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/2010.05.24_npca_comments_to_ceq_on_climate_nepa_guidance.pdf

NEPA Public Comments

Susan Durbin	California Attorney General's Office	Sacramento	California	Consideration of Greenhouse Gases
Elizabeth Habic	Maryland State Highway Administration	Baltimore	Maryland	Consideration of Greenhouse Gases

NEPA Public Comments

See attached.

Thank you for the the opportunity to comment on CEQ's "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions." Maryland SHA's comments are intended to bring attention to areas in the guidance which may need further clarification or may be of concern due to the nature of NEPA analysis regarding transportation type projects.

Emissions with a threshold of 25,000 metric tons/year is difficult to apply to transportation projects and should not be a requirement for mobile source analysis. Because transportation projects often redistribute existing traffic the analysis would be difficult to calculate the additional GHG emissions and would require analysis on a regional basis. If this threshold were included in the final guidance, would there be a list of exemptions as included for MSATs under 40 CFR 126.93 (b) (1) Table 2? Impacts would be difficult to assess without establishment of a baseline of reasonably foreseeable future climate conditions. Without a baseline, only a qualitative assessment of impacts to a specific resource could be completed. While using a qualitative or "global context" approach is suggested, and including a "direct link" to specific climatological changes, or the environmental impacts thereof to the particular project is discouraged, "the level of detail in the analysis will vary among affected resource values." The draft guidance seem to suggest being non-project specific on the one hand, and project specific on the other hand.

Agreed, climate change should be a consideration in project analysis when located in areas considered vulnerable to specific effects of climate change within the project's lifetime. Because the impacts from climate change are predictions and can vary so widely by region, NEPA should be open to allow for differences in analysis. For example, Maryland has seen an increase in sea-level rise over the last 100 years but the rise is exacerbated by land subsidence which may not be the case in other low-lying areas in the US. As with variances in impacts by region, NEPA studies are conducted for such a wide variety of actions, there should not be requirements to address specific climate change impacts such as water resources. As GHG emissions are a global

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ca_ag_comment.pdf

NEPA Public Comments

Ken Hamilton	WyFB	Laramie	Wyoming	Monitoring Environmental Mitigation Commitments
Wendy E . Thomas	Virginia Secretary of Transportation	Richmond	Virginia	Consideration of Greenhouse Gases
Thomas G. Echikson	American Chemistry Council,	Washington	DC	Consideration of Greenhouse Gases

NEPA Public Comments

problem, there could be misleading information generated if project level analysis were attempted and analysis requirements may lead to lengthy discussions in documents without providing important information for decision-making.

Other thoughts/questions are:

The term "indirect" is not clearly defined as it relates to "direct and indirect" GHG emissions.

How will NEPA guidance take GHG emissions analysis requirements into context with economic trends and growth?

Can there be any further specifics as regards the statement "climate change impacts on humans will be compounded by an aging population and has the potential to accentuate the disparities already evident in the American health care systems as many of the expected health effects are likely to fall disproportionately on the poor, the elderly, the disabled, and the uninsured". The draft guidelines appear to be pointing generally toward potential EJ issues. Please clarify intent of this section in the guidance.

Thank you for consideration of our comments.

WyFB comments are attached

See attached letter.

Enclosed

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ceq_nepa_mitigation_comments.doc

http://www.whitehouse.gov/files/ceq/nepa_comments_ghg_5-24-10.pdf

http://www.whitehouse.gov/files/ceq/acc-api-nam-npra_comments_on_draft_nepa_guidances.pdf


NEPA Public Comments

Craig Johnson	American Petroleum Institute, National Association of Manufacturers, National Petrochemical Refiners Rio Tinto	South Jordan	Utah	Monitoring Environmental Mitigation Commitments
Thomas G. Echikson	American Chemistry Council, American Petroleum Institute, National Association of Manufacturers, National Petrochemical Refiners	Washington	DC	Monitoring Environmental Mitigation Commitments
Ken Hamilton	WyFB	Laramie	Wyoming	Consideration of Greenhouse Gases
Matthew Nocella	National Hydropower Association	Washington	DC	Consideration of Greenhouse Gases

NEPA Public Comments


See Attached.

Enclosed



The attached are the Wyoming Farm Bureau Federation's comments

Attached.



NEPA Public Comments

http://www.whitehouse.gov/files/ceq/rio_tinto_0.txt

http://www.whitehouse.gov/files/ceq/acc-api-nam-npra_comments_on_draft_nepa_guidances_0.pdf

http://www.whitehouse.gov/files/ceq/ceq_nepa_greenhouse_gas_and_climate_change_guidance_comments.pdf

http://www.whitehouse.gov/files/ceq/nha_comments_on_nepa.pdf

NEPA Public Comments

Linda F. Baker	Upper Green River Alliance	Pinedale	Wyoming	Monitoring Environmental Mitigation Commitments
Jason Clark	Devon Energy Corporation	Oklahoma City	Oklahoma	Consideration of Greenhouse Gases
Steve Colvin	Minnesota Department of Natural Resources	St. Paul	Minnesota	Consideration of Greenhouse Gases
Craig Johnson	Rio Tinto	South Jordan	Utah	Consideration of Greenhouse Gases
Simon M. kihia	Washington state Department of Natural Resources	Olympia	Washington	Monitoring Environmental Mitigation Commitments
Lisa C. Moerner	Dominion Resources	Glen Allen	Virginia	Use of Categorical Exclusions
Kate Kurgan	AASHTO	Washington	DC, USA	Consideration of Greenhouse Gases
Kate Kurgan	AASHTO	Washington	DC, USA	Monitoring Environmental Mitigation Commitments
Hope Riddle	Allegheny Energy	Greensburg	Pennsylvania	Consideration of Greenhouse Gases
Erik Schlenker-Goodrich	Western Environmental Law	Taos	New Mexico	Consideration of Greenhouse Gases

NEPA Public Comments

See attached.

See Attached.

See Attached.

See Attached.

Attached is the comment letter submitted by Washington State Department of Natural Resources

See Attached.

Please find the attached comment letter.

Please find the attached comments.

See Attached.

Please find attached comments from Western U.S.-based conversation groups.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/upper_green_river_alliance.doc

http://www.whitehouse.gov/files/ceq/devon_energy_corp.ce_comments.ceq_.pdf

<http://www.whitehouse.gov/files/ceq/MNDNR.txt>

http://www.whitehouse.gov/files/ceq/rio_tinto.txt

http://www.whitehouse.gov/files/ceq/comment_letter_to_sutley_of_ceq_5.24.10.pdf

<http://www.whitehouse.gov/files/ceq/Dominion.pdf>

http://www.whitehouse.gov/files/ceq/aashto_final_comments_on_ceq_climate_change_guidance.pdf

http://www.whitehouse.gov/files/ceq/aashto_final_comments_on_ceq_mitigation_guidance.pdf

http://www.whitehouse.gov/files/ceq/alleggheny_energy.pdf

http://www.whitehouse.gov/files/ceq/WELC_CEQclimateguidancecomments_5.24.2010.pdf

NEPA Public Comments

Goodrich	Environmental Law Center			Greenhouse Gases
Katherine Kennedy	NRDC	New York City	New York	Consideration of Greenhouse Gases
Carol E. Whitman	National Rural Electric Cooperative Association	Arlington	Virginia	Consideration of Greenhouse Gases
Bob Barnes	The Nature Conservancy	Arlington	Virginia	Monitoring Environmental Mitigation Commitments
Cary e. Brus	Nerd Gas Company LLC	Casper	Wyoming	Consideration of Greenhouse Gases

NEPA Public Comments

Please see the attached comments.

See Attached.

See Attached.

May 24, 2010

White House Council on Environmental Quality
NEPA Process Guidance

SUBMITTED VIA WEB SITE:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/submit?topic=Monitoring>
Environmental Mitigation Commitments

Subject: Comments on NEPA Mitigation and Monitoring Guidance

To Whom It May Concern:

Nerd Gas Company, L.L.C. would like to submit comments supporting responsible development of new guidance governing Mitigation and Monitoring actions in the federal process for National Environmental Policy Act (NEPA) projects and actions.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/05_24_2010__nrdc_comments_on_draft_ceq_climate_change_guidance.pdf

<http://www.whitehouse.gov/files/ceq/NRECA.pdf>

<http://www.whitehouse.gov/files/ceq/TNC.doc>

http://www.whitehouse.gov/files/ceq/white_house_council_eq_-_greenhouse_gases.pdf

NEPA Public Comments



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Nerd Gas Company, located in Casper, Wyoming, is dedicated to the efficient and responsible exploration and production of hydrocarbons in the northern Rocky Mountain region in order to provide energy and the associated tax base necessary for our communities, state and nation to remain financially strong and independent.

We believe that the CEQ proposal to require mitigation is illegal, outside the boundary of law, and we do not support it. Further, the CEQ proposal would do more to slow an already sluggish NEPA process – the worst thing to do in the current economic climate. The Council does have a role to issue guidance; however, such guidance should stick to high level processes, not actions on the ground. Many agencies already use mitigation and monitoring, and those processes can always be improved – the basic process framework should be the only thing addressed by this guidance. While transparency in government is generally a positive thing, this could be taken to an extreme that is not realistically feasible for federal employees to implement. If this guidance were finalized as currently written, it would add significant workload to already overworked federal employees and stall all activity or interactions that the public has with the federal government. Especially in the current economy, government agencies should implement processes to make it easier to do things, not more difficult. The NEPA process is already very expensive, and this guidance would add to that expense. Under the current budget constraints, and considering the need for timeliness in resource management decisions on the ground, we would urge the Council to make the process easier for everyone, not more difficult to manage or work with.

We have several more general concerns with the mitigation and monitoring guidance – particularly that the guidance goes far beyond the bounds of what NEPA was created to do. The NEPA itself is a procedural statute – it includes no mandates for action or non-action. Rather, NEPA's goal is to analyze alternatives and identify potential environmental impacts associated with each alternative. The proposed guidance would significantly increase and expand the parameters of NEPA, and goes beyond the bounds of the legal jurisdiction of that law.

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NEPA Public Comments

Cary E. Brus

Nerd Gas Company Casper
LLC

Wyoming

Monitoring
Environmental
Mitigation
Commitments

NEPA Public Comments

May 24, 2010

White House Council on Environmental Quality
NEPA Process Guidance

SUBMITTED VIA WEB SITE:

<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/submit?topic=Monitoring>
Environmental Mitigation Commitments

Subject: Comments on NEPA Mitigation and Monitoring Guidance

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NEPA Public Comments

http://www.whitehouse.gov/files/ceq/white_house_council_eq_-_comments_on_nepa_mitigation_and_monitoring.pdf

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We have several more general concerns with the mitigation and monitoring guidance – particularly that the guidance goes far beyond the bounds of what NEPA was created to do. The NEPA itself is a procedural statute – it includes no mandates for action or non-action. Rather, NEPA's goal is to analyze alternatives and identify potential environmental impacts associated with each alternative. The proposed guidance would significantly increase and expand the parameters of NEPA, and goes beyond the bounds of the legal jurisdiction of that law.

If this guidance were to be implemented as written, it would lead to complete gridlock of any projects on federal land across the country. In the current economic climate, it would be irresponsible and unwise for the federal government to add bureaucratic impediments to projects that would create jobs and allow for continued economic development in rural and urban communities. Mitigation and monitoring, by themselves, are necessary and should be dealt with at the appropriate levels within each agency. This guidance, as written, provides an innumerable source of new points for litigation.

If the guidance is finalized as currently written, we would be obligated to take up a legal challenge to the expansion of the mitigation and monitoring program beyond what is required in NEPA itself.

NEPA Public Comments

NEPA Public Comments

Mike Nasi

Gulf Coast Lignite
Coalition

Austin

Texas

Monitoring
Environmental
Mitigation
Commitments

NEPA Public Comments

May 24, 2010

Via Electronic Submission & First-Class Mail

The Council on Environmental Quality

Attn: Ted Boling

722 Jackson Place, N.W.

Washington, D.C. 20503

Re: National Environmental Policy Act (NEPA) Draft Guidance, "NEPA Mitigation and Monitoring"

75 Fed. Reg. 8,046 (Feb. 23, 2010)

Comments of Gulf Coast Lignite Coalition

Dear Mr. Boling:

Thank you for the opportunity to submit comments on the Council on Environmental Quality's (CEQ) draft guidance, "NEPA Mitigation and Monitoring" under the National Environmental Policy Act (NEPA). The Gulf Coast Lignite Coalition (GCLC) is a coalition of entities that own or operate lignite and coal-fired power plants in Texas, Louisiana, and Mississippi. In Texas alone, these industries represent over 10 billion dollars in annual expenditures and over 33,000 permanent jobs. GCLC believes that the Draft Guidance attempts to impose substantive obligations on federal agencies and private project developers, which is inconsistent with the purpose of NEPA as defined by the U.S. Supreme Court. Fundamentally, GCLC believes that NEPA, as a procedural statute, is an inappropriate tool for requiring federal agencies to carry out mitigation measures and conduct monitoring activities.

GCLC supports and joins in the comments of the National Mining Association (NMA) and would emphasize the specific comments laid out below:

1. The CEQ's Draft Guidance, contrary to U.S. Supreme Court jurisprudence, would expand the role of NEPA to impose substantive requirements on federal agencies conducting NEPA reviews. The role of NEPA has long been defined by the courts as a statute intended to inform and guide federal decisionmaking, not to dictate particular results. The Supreme Court held that "other statutes may impose substantive environmental obligations but NEPA merely prohibits

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uniformed—rather than unwise agency action.” In *Robertson v. Methow Valley Citizens Council*, the Court included significant discussion about the role and purpose of NEPA in federal decisionmaking:

The sweeping policy goals announced in § 101 of NEPA are thus realized through a set of “action-forcing” procedures that require that agencies take a “‘hard look’ at environmental consequences,” and that provide for broad dissemination of relevant environmental information. Although these procedures are almost certain to affect the agency’s substantive decision, it is now well settled that NEPA itself does not mandate particular results, but simply prescribes the necessary process. The Draft Guidance seeks to mandate particular results in addition to prescribing the necessary environmental review process.

2. The Supreme Court has definitively held that under NEPA, federal agencies are required to “fairly evaluate” environmental consequences but are not required to “fully develop[] [a] plan that will mitigate environmental harm.”

The CEQ’s Draft Guidance would require federal agencies to “create internal processes to ensure that mitigation actions adopted in any NEPA process are documented and that monitoring and appropriate implementation plans are created to ensure that mitigation is carried out.” This mandate goes well beyond the statutory scope of NEPA, as it seeks to impose a substantive requirement through NEPA, which the Court has held to be essentially procedural.

In *Robertson v. Methow Valley Citizens Council*, the Forest Service prepared an environmental impact statement (EIS) as a part of the decision whether to issue a special use permit authorizing a destination Alpine ski resort at Sandy Butte in the North Cascade Mountains. As a part of this EIS, the Forest Service described certain mitigation measures that could be taken to protect the mule deer, which fawned in the area where the resort would be located, but these mitigation measures were not mandated by the EIS. A citizen group sued the Forest Service, arguing that the EIS should have formally mandated these mitigation measures. The Supreme Court unanimously disagreed, holding that mitigation plans need only be “discussed in sufficient detail to ensure that the environmental consequences have been fairly evaluated” and that NEPA does not include a

NEPA Public Comments

NEPA Public Comments

Caitlyn Pollihan

Council of Western
State Foresters

Denver

CO

Consideration of
Greenhouse Gases

NEPA Public Comments

See the attachment

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/cwsf_nepa_ceq_draft_comments_final_draft.doc

NEPA Public Comments

Jerry Bonanno	Nuclear Energy Institute	Washington, DC	United States of America	Monitoring Environmental Mitigation Commitments
Sean Matsler	Manatt, Phelps & Phillips, LLP	Costa Mesa	CA	Consideration of Greenhouse Gases
Alicia McDevitt, Assistant Secretary	Massachusetts Executive Office of Energy and Environmental Affairs	Boston	Massachusetts	Consideration of Greenhouse Gases
Thomas O'Keefe	American Whitewater	Seattle	WA	Use of Categorical Exclusions
David Lock	Tri-State Generation and Transmission Association	Denver	CO	Consideration of Greenhouse Gases
Janice Adair	Washington State Department of Ecology	Olympia	WA	Consideration of Greenhouse Gases
Dustin Van Liew	National Cattlemen's Beef Association & Public Lands Council	Washington DC	Washington DC	Consideration of Greenhouse Gases

NEPA Public Comments

The Nuclear Energy Institute's comments on the CEQ's draft mitigation guidance are attached.

The attached letter comments on the Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions issued by the Council on Environmental Quality on February 18, 2010.

Please see the attached letter from Secretary Ian A. Bowles on behalf of the Massachusetts Executive Office of Energy and Environmental Affairs.

Comments attached

Please see attached

please see attached document

NCBA & PLC comments on GHG and NEPA

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/nei_comment_letter_ceq_mitigation_guidance_final.pdf

http://www.whitehouse.gov/files/ceq/comment_letter_regarding_draft_nepa_guidance_on_consideration_of_the_effects_of_climate_change.pdf

http://www.whitehouse.gov/files/ceq/mepa_comments_to_ceq_on_draft_ghg_guidance_under_nepa.pdf

http://www.whitehouse.gov/files/ceq/20100524_ceq_nepa_ce.pdf

http://www.whitehouse.gov/files/ceq/washington_state_ceq_ghg_guidance_.pdf

http://www.whitehouse.gov/files/ceq/ncba-plc_nepa_ghg_comments_0510_-_final.pdf

NEPA Public Comments

Joy Keniston-
Longrie

Seattle Public
Utilities

Seattle

Washington

Consideration of
Greenhouse Gases

NEPA Public Comments

Green House Gas Emissions:

1. Green House Gas & Decision-Making: NEPA and SEPA can play a critical role in decision-making associated with the role of green house gas emissions and climate change if it is incorporated early enough in both policy, programmatic and project decision-making processes which look at the entire life-cycle of a project. It is important that potential greenhouse gas emissions evaluated include the materials utilized for a project (construction & operating); construction impacts; and on-going operation and maintenance activities for the total life-cycle of a project.
2. Proposed 25,000 metric tons of CO₂-e: This is another emerging environmental area that CEQ should consider as it thinks through an adaptive management approach with increased scientific information and monitoring of actual projects. Due to the fact that: climate change and green house gas is a critical issue; the time-horizon to adjust and have a positive environmental outcome is long; action is needed now; and we have to start somewhere -- 25,000 metric tons may be a reasonable threshold to consider provided that adaptive management is defined and appropriate adaptive management protocols can be established.
3. Federal Land & Resource Management Actions: Based on Seattle Public Utilities experience as a land-owner and resource manager, we encourage CEQ to extend the greenhouse gas emissions analysis to actions taken by and on federal land and resource management activities. CEQ should establish a stated goal for all federal land and resource management activities such as 50% sequestration improvement by 2020, and 80% improvement by 2100 -- to support sustainable harvest and old-growth diversification habitat in the forests and sustainable use in other resource extraction intense activities. SPU will forward to CEQ under separate cover suggestions to the seven (7) "Specific Questions for Public Review" in the near future for consideration and input.
4. Cumulative Effects: The ability to track and analysis cumulative effects is probably one of the

NEPA Public Comments

NEPA Public Comments

Dustin Van Liew

National
Cattlemen's Beef
Association &
Public Lands
Council

Washington DC

Washington DC

Monitoring
Environmental
Mitigation
Commitments

NEPA Public Comments

NCBA & PLC comments on NEPA monitoring and mitigation

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ncba-plc_nepa_ghg_mitigation_and_monitoring_comments_0510_-_final.pdf

NEPA Public Comments

Joy Keniston-Longrie	Seattle Public Utilities	Seattle	Washington	Monitoring Environmental Mitigation Commitments
David	ConocoPhillips Company	Bartlesville	OK	Consideration of Greenhouse Gases
Deidre G. Duncan	Hunton & Williams LLP	Washington	DC	Consideration of Greenhouse Gases
David	ConocoPhillips Company	Bartlesville	OK	Monitoring Environmental Mitigation Commitments
Deidre G. Duncan	Hunton & Williams LLP	Washington	DC	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

Monitoring of environmental mitigation:

1. Mitigation considered throughout NEPA Process: SPU supports strengthening the mitigation analysis throughout the entire NEPA process, and encourages CEQ to further support mitigation analysis into design, materials specifications and construction methodologies, as well as on-going operations and maintenance of a project --- long after the formal NEPA process is completed.
2. Mitigation Decisions Binding & Mitigation Monitoring Program: SPU supports this, and encourages CEQ to develop guidelines so that mitigation reporting, monitoring and performance outcomes are clearly part of the permit conditions, including funding, timelines and penalties for non-compliance. CEQ also needs to support a funding mechanism for this, since currently many federal agencies have the authority, they just do not have the resources to implement in a meaningful way.
3. Public Participation & accountability: SPU supports this and encourages CEQ to develop guidelines and a revenue stream to ensure on-going resources supported by project proponent applicants to ensure this is not one more unfunded federal mandate.

See the attached

See attached letter.

See Attached

See attached letter.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/05242010cop_ceq_nepa_comments.pdf

http://www.whitehouse.gov/files/ceq/spectra_comments_on_ceq_climate_change_guidance.pdf

http://www.whitehouse.gov/files/ceq/05242010cop_ceq_nepa_comments_0.pdf

http://www.whitehouse.gov/files/ceq/spectra_comments_on_ceq_mitigation_guidance.pdf

NEPA Public Comments

Joy Keniston-
Longrie

Seattle Public
Utilities

Seattle

Washington

Consideration of
Greenhouse Gases

NEPA Public Comments

Green House Gas Emissions:

1. Green House Gas & Decision-Making: NEPA and SEPA can play a critical role in decision-making associated with the role of green house gas emissions and climate change if it is incorporated early enough in both policy, programmatic and project decision-making processes which look at the entire life-cycle of a project. It is important that potential greenhouse gas emissions evaluated include the materials utilized for a project (construction & operating); construction impacts; and on-going operation and maintenance activities for the total life-cycle of a project.
2. Proposed 25,000 metric tons of CO₂-e: This is another emerging environmental area that CEQ should consider as it thinks through an adaptive management approach with increased scientific information and monitoring of actual projects. Due to the fact that: climate change and green house gas is a critical issue; the time-horizon to adjust and have a positive environmental outcome is long; action is needed now; and we have to start somewhere -- 25,000 metric tons may be a reasonable threshold to consider provided that adaptive management is defined and appropriate adaptive management protocols can be established.
3. Federal Land & Resource Management Actions: Based on Seattle Public Utilities experience as a land-owner and resource manager, we encourage CEQ to extend the greenhouse gas emissions analysis to actions taken by and on federal land and resource management activities. CEQ should establish a stated goal for all federal land and resource management activities such as 50% sequestration improvement by 2020, and 80% improvement by 2100 -- to support sustainable harvest and old-growth diversification habitat in the forests and sustainable use in other resource extraction intense activities. SPU will forward to CEQ under separate cover suggestions to the seven (7) "Specific Questions for Public Review" in the near future for consideration and input.
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NEPA Public Comments

NEPA Public Comments

Joy Keniston-
Longrie

Seattle Public
Utilities

Seattle

Washington

Monitoring
Environmental
Mitigation
Commitments

NEPA Public Comments

"Findings of No Significant Impact":

1. Periodic Re-evaluation: SPU supports periodic re-evaluation of existing & proposed categorical exclusion categories & potential impacts. Establishing required periodic re-evaluation of 'categorical exclusions' such as every 5-10 years seems reasonable and is critical to meet intent of NEPA.

2. Public Involvement: SPU supports the proposed enhancements to public involvement to ensure outcomes of transparency, better utilization of emerging tools and technology (such as the web and other paperless methods) as well as traditional and non-traditional means of communications to ensure under-represented groups (environmental justice) have equal opportunity to have a voice in decision-making process. It has been our observation, however, through numerous projects and programs with a federal nexus, whether associated with Combined Sewer Overflow program, Superfund, or siting and building water supply and drainage and municipal waste projects, that federal agencies are not practicing strategies necessary to achieve the above outcomes. This is the expertise of local government, and it would be useful to evolve better collaborative forums to develop useful models that may be learned and practiced broadly. The federal government, CEQ in the lead, should act as convener of such forums perhaps through such national organizations as ASPA, AWWA, Governor's Conference and Mayor's Conference. SPU has provided regional/national leadership in developing and implementing a Race/Social Justice Initiative and an Environmental Justice toolkit for public engagement. Please see attachment #1.

3. Document, Monitor & Evaluate Categorical Exclusions: SPU supports the need to have written record of decisions, justification and a system to track, monitor and evaluate. Funding for the resources to monitor and evaluate categorical exclusions should be borne by the applicants, not the general tax payer.

Monitoring of environmental mitigation:

1. Mitigation considered throughout NEPA Process: SPU supports strengthening the mitigation analysis throughout the entire NEPA process, and encourages CEQ to further support mitigation

NEPA Public Comments

NEPA Public Comments

NEPA Public Comments

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NEPA Public Comments

Ben Yamagata	Coal Utilization Research Council	Washington	D.C.	Consideration of Greenhouse Gases
Ben Yamagata	Coal Utilization Research Council	Washington	D.C.	Monitoring Environmental

NEPA Public Comments

analysis into design, materials specifications and construction methodologies, as well as on-going operations and maintenance of a project --- long after the formal NEPA process is completed.

2. Mitigation Decisions Binding & Mitigation Monitoring Program: SPU supports this, and encourages CEQ to develop guidelines so that mitigation reporting, monitoring and performance outcomes are clearly part of the permit conditions, including funding, timelines and penalties for non-compliance. CEQ also needs to support a funding mechanism for this, since currently many federal agencies have the authority, they just do not have the resources to implement in a meaningful way.

3. Public Participation & accountability: SPU supports this and encourages CEQ to develop guidelines and a revenue stream to ensure on-going resources supported by project proponent applicants to ensure this is not one more unfunded federal mandate.

Enhanced Public Tools:

1. Web-page & Other Paperless tools - Support. Need to be sure adequate resources available to support. Mechanism to pay for the resources to do this (people, hardware & software). Guidelines needed for timelines information should be on web (i.e. not just during active public involvement process, but how long after project NEPA complete -- during construction? during operation? during monitoring?)

2. Equal access for all - Environmental Justice & Equity -- traditional and non-traditional communication and public involvement. What about people who do not read or for whom English is a second language? Please refer to Attachment #1 for an example of how SPU has tried to address these issues, perhaps this model could be incorporated in the CEQs recommendations to modernize NEPA.

See attached

See attached.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/curc_comments_on_ceq_monitoring_guidance.pdf

http://www.whitehouse.gov/files/ceq/curc_comments_on_nepa_gcc_guidance.pdf

NEPA Public Comments

				Mitigation Commitments
David P. Tenny	National Alliance of Forest Owners	Washington	DC	Consideration of Greenhouse Gases
David P. Tenny	National Alliance of Forest Owners	Washington	DC	Monitoring Environmental Mitigation Commitments
Pete Grannis, Commissioner	NYS Dept of Env Conservation	albany	ny	Consideration of Greenhouse Gases
Steven R. Belinda	Theodore Roosevelt Conservation Partnership	Boulder	WY	Monitoring Environmental Mitigation Commitments
Nadine Padilla	MASE	Grants	NM	Monitoring Environmental Mitigation Commitments
Ed Barry	Sustainable World Initiative	Washington	DC	Consideration of Greenhouse Gases

NEPA Public Comments

Please see the attached letter.

Please see attached letter.

see attached

Please accept the attached document as comments from the Theodore Roosevelt Conservation Partnership. TRCP fully supports the proposed changes and guidance. The TRCP is a 501c3 non-profit corporation that works to preserve the traditions of hunting and fishing. By building consensus among our individual and organizational partners we work to advance policy solutions on natural resource management issues of common concern. By speaking in a single voice on these key issues the TRCP represents a unique voice in the conservation debate. Together with our conservation partners, the TRCP is the voice for tens of thousands of sportsmen on important policy issue.

Please see attached letter.

Our organization (and the many endorsers of the attached 'Call for Action') asks that the CEQ views and administers the global warming and climate change issue through the broad 'lens' of sustainability. The context, background, and specific recommendations to accomplish this, are outlined in the attachment.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/final_ceq_comments.pdf

http://www.whitehouse.gov/files/ceq/final_ceq_comments_0.pdf

http://www.whitehouse.gov/files/ceq/commissioners_comments_on_nepa_guidance_on_climate_change_1.pdf

http://www.whitehouse.gov/files/ceq/ceq_nepa_mitigation_and_monitoring_guidance.pdf

http://www.whitehouse.gov/files/ceq/MASE_CEQcomments_052410-1.pdf

http://www.whitehouse.gov/files/ceq/Call_for_Action_41010A.doc

NEPA Public Comments

Christopher Anderson	North Central Texas Council of Governments	Rowlett	Texas	Consideration of Greenhouse Gases
Larissa Mark	National Association of Home Builders	Washington	DC	Monitoring Environmental Mitigation Commitments
Darlene Weaver	Oregon Department of Transportation	Salem	Oregon	Monitoring Environmental Mitigation Commitments
Darlene Weaver	Oregon Department of Transportation	Salem	Oregon	Consideration of Greenhouse Gases
Gwen Eklund	WEST Associates	Austin	TX	Consideration of Greenhouse Gases
John M. Fitzgerald	Society for Conservation Biology	Washington, D.C.	District of Columbia	Consideration of Greenhouse Gases
John M. Fitzgerald	Society for Conservation Biology	Washington, D.C.	District of Columbia	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

Please see attached document

On behalf of the over 175,000 members of the National Association of Home Builders (NAHB), I respectfully submit these comments in response to the Draft Guidance Clarifying Appropriateness of “Findings of No Significant Impact” and Specifying When There is a Need to Monitor Environmental Mitigation Commitments as published in the Federal Register on February 18, 2010. If you have any questions please contact Susan Asmus at 202-266-8538 or Larissa Mark at 202-266-8157.

See attached PDF (2 pages)

See attached PDF (3 pages)

Please see attached comments on behalf of WEST Associates.

Thank you,

Gwen Eklund

SCB has submitted a final document by US Mail but as a back-up I am submitting as an attachment,a semi-final version of the document which will be superceded by the mailed document.

SCB has submitted a final set of comments on Mitigation and Monitoring by US Mail but as a back-up I am submitting as an attachment,a semi-final version of the M&M comments which will be superceded by the mailed document.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ceq_ghg_guidance_response_05.24.10.pdf

http://www.whitehouse.gov/files/ceq/05242010NAHB_CommentsOnNEPAMitigationandMonitoringDraftGuidance.doc

http://www.whitehouse.gov/files/ceq/odot_comments_on_mitigation_and_monitoring_draft_ceq_guidance_may_2010.pdf

http://www.whitehouse.gov/files/ceq/odot_comments_on_ghg_and_cc_draft_ceq_guidance_may_2010.pdf

<http://www.whitehouse.gov/files/ceq/WEST%20Associates%20Comments%20on%20CEQ%20NEPA%20May%2024%2C%202010.pdf>

http://www.whitehouse.gov/files/ceq/ceq_cc_scb_draft5-23.doc

http://www.whitehouse.gov/files/ceq/ceq_mm_comnt_5-23-10.doc

NEPA Public Comments

				Commitments
John M. Fitzgerald	Society for Conservation Biology	Washington, D.C.	District of Columbia	Consideration of Greenhouse Gases
Charles Alton	Consultant	New Port Richey	FL	Monitoring Environmental Mitigation Commitments
John M. Fitzgerald	Society for Conservation Biology	Washington, D.C.	District of Columbia	Monitoring Environmental Mitigation Commitments
Joy Keniston-Longrie	Seattle Public Utilities	Seattle	Washington	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

We now have the final Climate comments in e form and will attach it below.

The guidance needs to be expanded to include a broader array of innovative options for agencies.
My specific comments are attached. comments

Attached in final e form below a comment from SCB on Monitoring and Mitigation.

"Findings of No Significant Impact":

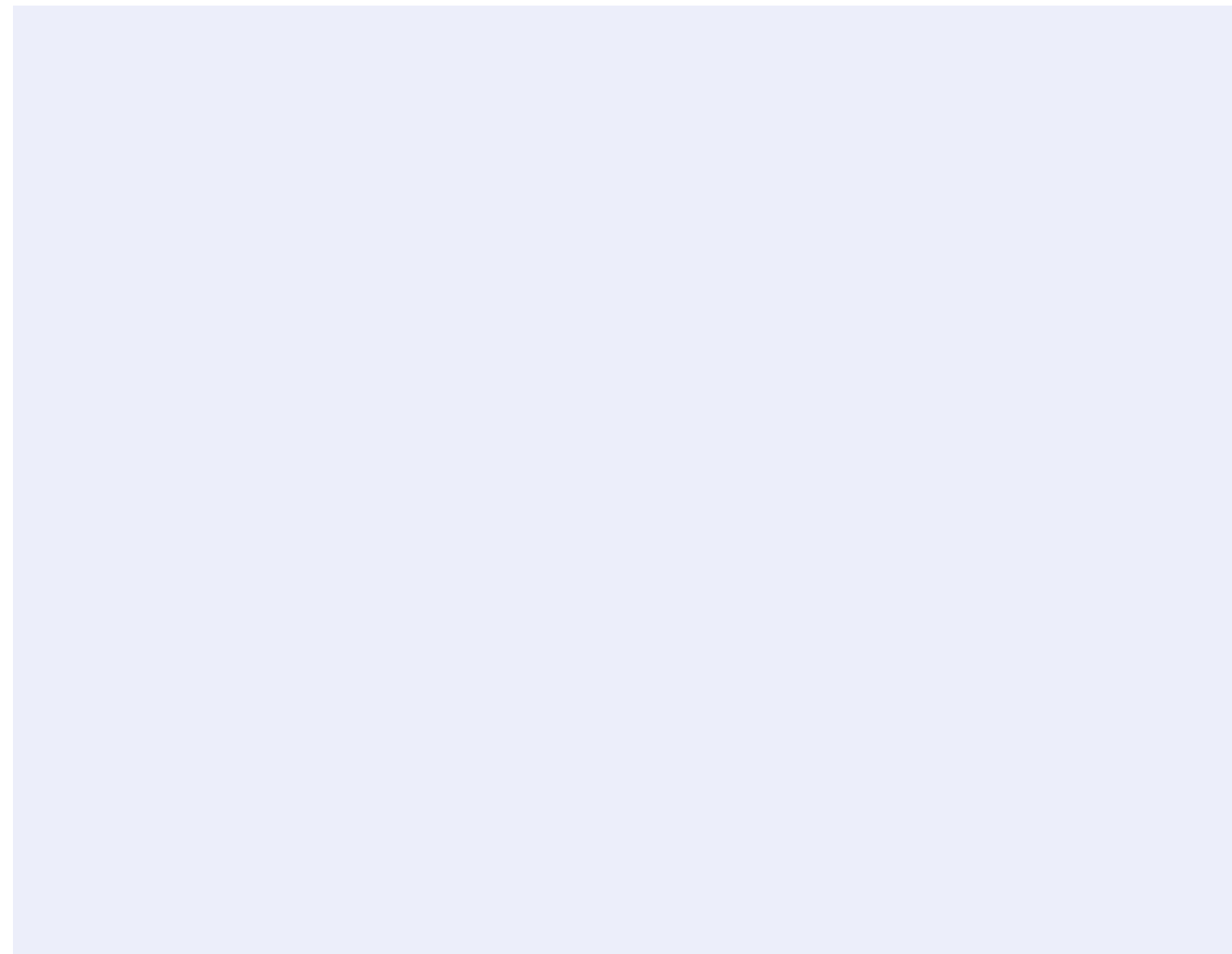
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NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ceq_cc_scb_5-24_3pm.doc

http://www.whitehouse.gov/files/ceq/ceq_mm_comnt_5-24-10-1pm.doc

NEPA Public Comments



Jeffrey Bradley	American Forest & Paper Association	Washington	District of Columbia	Consideration of Greenhouse Gases
Cindi Barrett	American Forest	Portland	Oregon	Consideration of

NEPA Public Comments

develop useful models that may be learned and practiced broadly. The federal government, CEQ in the lead, should act as convener of such forums perhaps through such national organizations as ASPA, AWWA, Governor's Conference and Mayor's Conference. SPU has provided regional/national leadership in developing and implementing Race/Social Justice and Environmental Justice toolkit. Please see attachment #1.

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3. Public Participation & accountability: SPU supports this and encourages CEQ to develop guidelines and a revenue stream to ensure on-going resources supported by project proponent applicants to ensure this is not one more unfunded federal mandate.

See Attached.

See Attached.

NEPA Public Comments



<http://www.whitehouse.gov/files/ceq/AFPA.pdf>

<http://www.whitehouse.gov/files/ceq/AFRC.pdf>

NEPA Public Comments

	Resource Council			Greenhouse Gases
Pamela Lacey	American Gas Association	Washington	District of Columbia	Consideration of Greenhouse Gases
Gene Grace	American Wind Energy Association	Washington	District of Columbia	Consideration of Greenhouse Gases
Trip Pollard	Southern Environmental Law Center	Richmond	Virginia	Consideration of Greenhouse Gases
Robert S. Lynch	Irrigation and Electrical Districts Association of Arizona	Phoenix	Arizona	Consideration of Greenhouse Gases
Jim Magagna	Wyoming Stock Growers Association	Cheyenne	Wyoming	Consideration of Greenhouse Gases
Stephanie Young	The Partnership Project	Washington	District of Columbia	Consideration of Greenhouse Gases
Holly Propst	Western Business Roundtable	Lakewood	Colorado	Consideration of Greenhouse Gases
Ray D. Hedrick	Salt River Project	Phoenix	Arizona	Consideration of Greenhouse Gases
Janet J. Henry	American Electric Power Service Corporation	Columbus	Ohio	Consideration of Greenhouse Gases
Dan Regan	Interstate Natural Gas Association of	Washington	District of Columbia	Consideration of Greenhouse Gases

NEPA Public Comments

See attached.

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NEPA Public Comments

<http://www.whitehouse.gov/files/ceq/AFRC.pdf>

<http://www.whitehouse.gov/files/ceq/AGA.pdf>

<http://www.whitehouse.gov/files/ceq/AWEA.pdf>

<http://www.whitehouse.gov/files/ceq/SELC.pdf>

http://www.whitehouse.gov/files/ceq/irrigation_and_electrical_districts_association_of_arizona.doc

<http://www.whitehouse.gov/files/ceq/WSGA.doc>

http://www.whitehouse.gov/files/ceq/partnership_project_0.pdf

<http://www.whitehouse.gov/files/ceq/WBRT.pdf>

<http://www.whitehouse.gov/files/ceq/SRP.pdf>

<http://www.whitehouse.gov/files/ceq/AEP.DOC>

<http://www.whitehouse.gov/files/ceq/INGAA.pdf>

NEPA Public Comments

America				
Hillary Brickey Brennan	Utility Water Act Group	Washington	District of Columbia	Consideration of Greenhouse Gases
Gregoria Ponce	California Department of Transportation	Sacramento	California	Consideration of Greenhouse Gases
Jim Butler	Barrick Gold	Salt Lake City	Utah	Consideration of Greenhouse Gases
Tom Troxel	Intermountain Forest Association	Rapid City	South Dakota	Consideration of Greenhouse Gases
Holly Carpenter	American Nurses Association	Silver Spring	Maryland	Consideration of Greenhouse Gases
Hannah Chang	Columbia University	New York	New York	Consideration of Greenhouse Gases
Michael E. Van Brunt	Covanta Energy	Fairfield	New Jersey	Consideration of Greenhouse Gases
Judy Shore	Denali	Anchorage	Alaska	Consideration of Greenhouse Gases
William L. Fang	Edison Electric Institute	Washington	District of Columbia	Consideration of Greenhouse Gases
Sharon Cox	Alaska Miners Association	Anchorage	Alaska	Consideration of Greenhouse Gases
Ben Brandes	National Mining Association	Washington	District of Columbia	Consideration of Greenhouse Gases
Catherine Leslie	New York Department of	Albany	New York	Consideration of Greenhouse Gases

NEPA Public Comments

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NEPA Public Comments

<http://www.whitehouse.gov/files/ceq/UWAG.pdf>

http://www.whitehouse.gov/files/ceq/ca_dot.txt

http://www.whitehouse.gov/files/ceq/barrick_gold.doc

http://www.whitehouse.gov/files/ceq/intermountain_forest_association.doc

http://www.whitehouse.gov/files/ceq/american_nurses_association.txt

http://www.whitehouse.gov/files/ceq/columbia_university.pdf

http://www.whitehouse.gov/files/ceq/covanta_energy.pdf

<http://www.whitehouse.gov/files/ceq/Denali.txt>

<http://www.whitehouse.gov/files/ceq/EEI.pdf>

http://www.whitehouse.gov/files/ceq/alaska_miners_association_inc.txt

<http://www.whitehouse.gov/files/ceq/NMA.pdf>

http://www.whitehouse.gov/files/ceq/ny_dot.pdf

NEPA Public Comments

Transportation				
Mike Smith	Questar Exploration and Production Company	Cheyenne	Wyoming	Consideration of Greenhouse Gases
Mary Lankford	Sublette County, Wyoming	Pinedale	Wyoming	Consideration of Greenhouse Gases
Mary Lankford	Sublette County, Wyoming	Pinedale	Wyoming	Monitoring Environmental Mitigation Commitments
Mary Lankford	Sublette County, Wyoming	Pinedale	Wyoming	Consideration of Greenhouse Gases
Leslie Garrett Allen	Southern Company	Birmingham	Alabama	Consideration of Greenhouse Gases
Mary Lankford	Sublette County, Wyoming	Pinedale	Wyoming	Monitoring Environmental Mitigation Commitments
Ross Eisenberg	US Chamber of Commerce	Washington	District of Columbia	Consideration of Greenhouse Gases
Robert K. Harris	Western Resource Advocates	Boulder	Colorado	Consideration of Greenhouse Gases
Charles Alton	Strategic Environmental Consultant	New Port Richey	FL	Consideration of Greenhouse Gases
Jim Magagna	Wyoming Stock	Cheyenne	Wyoming	Monitoring

NEPA Public Comments

See Attached.

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See Attached to accompany submitted comments.

See Attached.

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See Attached.

See Attached.

There is an opportunity to provide a strategic perspective to application of NEPA to GHG.

See Attached.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/Questar_0.txt

http://www.whitehouse.gov/files/ceq/greenhouse_gases.txt

http://www.whitehouse.gov/files/ceq/mitigation_and_monitoring.txt

http://www.whitehouse.gov/files/ceq/white_house_ceq_comments.doc

http://www.whitehouse.gov/files/ceq/southern_company.pdf

http://www.whitehouse.gov/files/ceq/white_house_ceq_comments_0.doc

http://www.whitehouse.gov/files/ceq/uschamber_of_commerce.pdf

http://www.whitehouse.gov/files/ceq/western_resource_advocates.pdf

http://www.whitehouse.gov/files/ceq/final_comments_only_consideration_of_effects_of_ghg_draft_nepa_guidance_final_02182010_word_version.doc

http://www.whitehouse.gov/files/ceq/WSGA_0.doc

NEPA Public Comments

	Growers Association			Environmental Mitigation Commitments
Jim Butler	Barrick Gold	Salt Lake City	Utah	Monitoring Environmental Mitigation Commitments
Stephen Minick	Texas Association of Business	Austin	Texas	Monitoring Environmental Mitigation Commitments
Susan Jane Brown	Western Environmental Law Center	Eugene	Oregon	Monitoring Environmental Mitigation Commitments
Holly Propst	Western Business Roundtable	Lakewood	Colorado	Monitoring Environmental Mitigation Commitments
Leslie Garrett Allen	Southern Company	Birmingham	Alabama	Monitoring Environmental Mitigation Commitments
Robert S. Lynch	Irrigation and Electric Districts Association of Arizona	Phoenix	Arizona	Monitoring Environmental Mitigation Commitments

NEPA Public Comments

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NEPA Public Comments

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http://www.whitehouse.gov/files/ceq/western_enviornmental_law_center.pdf

http://www.whitehouse.gov/files/ceq/western_business_roundtable.pdf

http://www.whitehouse.gov/files/ceq/southern_company_0.pdf

http://www.whitehouse.gov/files/ceq/irrigation_and_electrical_district_association_of_arizona.doc

NEPA Public Comments

	Arizona			Commitments
Katie Sweeney	National Mining Association	Washington	District of Columbia	Monitoring Environmental Mitigation Commitments
Hillary Brickey Brennan	Utility Water Act Group	Washington	District of Columbia	Monitoring Environmental Mitigation Commitments
Sharon Cox	Alaska Miners Association	Anchorage	Alaska	Monitoring Environmental Mitigation Commitments
Mike Smith	Questar Exploration and Production Company	Cheyenne	Wyoming	Monitoring Environmental Mitigation Commitments
Ray D. Hedrick	Salt River Project	Phoenix	Arizona	Monitoring Environmental Mitigation Commitments
Judy Shore	Denali	Anchorage	Alaska	Monitoring Environmental Mitigation Commitments
David Urban	Naitonal Mitigation	Evanston	Illinois	Monitoring

NEPA Public Comments

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NEPA Public Comments

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<http://www.whitehouse.gov/files/ceq/Questar.txt>

http://www.whitehouse.gov/files/ceq/SRP_0.pdf

http://www.whitehouse.gov/files/ceq/Denali_0.txt

http://www.whitehouse.gov/files/ceq/national_mitigation_banking_association.txt

NEPA Public Comments

	Banking Association			Environmental Mitigation Commitments
Dan Regan	Interstate Natural Gas Association of America	Washington	District of Columbia	Monitoring Environmental Mitigation Commitments
Joe Montanez	California Department of Transportation	Sacramento	California	Monitoring Environmental Mitigation Commitments
David Urban	private citizen	na	na	Monitoring Environmental Mitigation Commitments
Paul Nazaryk	BHPBilliton	Waterflow	New Mexico	Monitoring Environmental Mitigation Commitments
Multiple Petitioners (14,000)	private citizens	Anywhere	USA	Consideration of Greenhouse Gases
Jeff Wright	Federal Energy Regulatory Commission	Washington	DC	Monitoring Environmental Mitigation Commitments; Consideration of Greenhouse Gases;

NEPA Public Comments

See Attached.

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http://www.whitehouse.gov/files/ceq/petition_on_gcc.pdf

http://www.whitehouse.gov/files/ceq/ceq_ocecm4010_ceq_eop_gov_20100614_151244_2_0.pdf

NEPA Public Comments

		Greenhouse Gases; Use of Categorical Exclusions
Kent Hale	Sound Transit	Improving Efficiency

NEPA Public Comments

As a regional transit authority, Sound Transit is responsible for conducting environmental review under Washington State law (State Environmental Policy Act) as well as working with our federal Department of Transportation lead agency partners (primarily FTA, FHWA, and FRA) on NEPA review. We support the Council's draft guidance related to "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act." In particular, the guidance reinforces principles and acceptable practices that we encounter in our project environmental review, such as:

- Use of an EA with mitigation commitments documented in the FONSI to avoid or minimize impacts that would otherwise lead to preparation of an EIS (pg. 3).
- Inter-governmental coordination (pg. 10), particularly integrating and coordinating our environmental review as a lead agency under Washington State's State Environmental Policy Act (SEPA) with NEPA review for the same projects, where our agency role is project applicant or proponent working with a federal lead agency. Having a combined environmental review process that recognizes and accommodates unique requirements of both SEPA and NEPA is essential to avoiding redundancy and increasing efficiency and timeliness in the process.
- Having a cooperating agency rely on the lead agency's final NEPA document to support agency actions (pg. 12).

The guidance also speaks to conducting NEPA early in the planning process; it references the August 2011 Presidential Memorandum "Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review" (pg. 4); and it discusses local (non-federal) agency planning actions that precede federal environmental review. As a regional transit authority, we often conduct planning work and decision making prior to initiating actions with the

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FTA or FHWA. We encourage CEQ to strengthen this discussion in its final guidance and possibly refer to existing statutes as examples, such as the provisions in the Department of Transportation's Final Rule on "Linking Planning and NEPA" (23 CFR 450.212 and 450.318), whereby a federal agency may rely on local agency decisions if they are the outcome of a planning process that satisfies certain criteria.

The draft guidance focuses on one topic that we have not encountered as readily in working with our federal partners: using the scoping process to focus the environmental review on those issues and topics that truly have bearing on the decision making process or have real potential for significant environmental impacts. While a "limited scope" NEPA document is allowed by regulation and even encouraged under the draft CEQ guidance (pgs. 8 and 9), our experience with the NEPA process suggests this approach is not routinely exercised by federal lead agencies. Using early scoping to define and document the relevant areas of concern, as well as "to deemphasize insignificant issues, thereby focusing the analysis on the most pertinent issues and impacts" (pg. 9) is welcome guidance. We encourage CEQ to maintain or strengthen this notion in its final guidance.

The guidance notes that adoption of another agency's environmental document is an efficiency already allowed under CEQ regulations (40 CFR 1506.3). However, our experience is that federal agencies do not exercise this ability, or the regulations do not go far enough to truly streamline the process. While one cooperating agency may rely on another lead agency's final NEPA document to support agency actions (pg. 12), they apparently cannot simply take action (issuing permits or funding agreements) without first preparing its own NEPA determination (CE, DCE, FONSI, or ROD). In partnering with the federal government, our agency encounters this duplicative and burdensome process all too often. One recent example involves a cooperating agency preparing its own ROD, when the anticipated agency actions are clearly covered by the analysis in the EIS and specifically disclosed in the Fact Sheet list of anticipated permits and approvals. Another

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Marci Henson	Clark County	Improving Efficiency
Robert S. Lynch	Irrigation & Electrical Districts' Association of Arizona	Improving Efficiency
Kari Fisher	California Farm Bureau Federation	Improving Efficiency
Tom Troxel	Intermountain Forest Association	Improving Efficiency
Michael Dechter		Improving Efficiency

NEPA Public Comments

example involved seeking federal grant funding from an agency that was not a cooperating agency during the NEPA process. In this instance, we were required to prepare a separate EA and FONSI that literally “cut-and-pasted” information from the existing NEPA record. While there was additional public process, no new or substantive information was provided and implementing actions had already occurred by Sound Transit and the federal lead agency. We strongly encourage the CEQ to examine the provisions of NEPA and CEQ regulations that require such duplicative process between federal agencies and offer guidance or revisions to meaningfully improve the process for preparing efficient and timely environmental review under NEPA.

Thank you for the opportunity to comment and we look forward to seeing the Council's final guidance.

After reading the CEQ guidance I have a hard time seeing what NEW information is in here that may help NEPA practitioners like myself. I don't see any new information in the guidance document and thus am not very clear on what the purpose of this guidance is. As an inter-disciplinary leader, much of the language in this guidance will further obfuscate many of the issues we grapple with in the NEPA process and I don't see how any of the specific strategies discussed would actually save time or money. For example, the first strategy of Concise NEPA Documents, discusses the need to

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http://www.whitehouse.gov/files/ceq/20120127_ltr_to_greczmiel_ceq_re_nepa_streamlining.pdf

http://www.whitehouse.gov/files/ceq/ceq_draft_nepa_guidance_012712.doc

http://www.whitehouse.gov/files/ceq/comments_on_draft_guidance_for_environmental_review_1-27-12.pdf

http://www.whitehouse.gov/files/ceq/2012_comments_on_ceq_draft_nepa_guidance.pdf

NEPA Public Comments

Eric La Price

USDA Forest
Service NEPA
Planner

Improving Efficiency

Chandler Peter

US Army Corps of

Improving Efficiency

NEPA Public Comments

keep NEPA documents as concise as possible without giving any clear guidance on exactly what this means. A 10 page EA is obviously unrealistic for any project with any issues, but it is unclear what the expectation should be (100 pages?, 200 pages?). Furthermore making a document as concise as possible requires a much more time consuming process than creating a comprehensive document that may be more defensible in court. This is because ensuring a document is as concise as possible takes substantial additional editing and can be very frustrating to members of the public who feel they are only getting a Cliffs Notes version of study.

The sections Early NEPA Integration in Planning, Scoping, Inter-Governmental Coordination, Coordinating Reviews and Documents, Adoption, and Incorporation by Reference don't seem to present any new information. I don't understand how simply re-hashing existing information is expected to help practicing NEPA professionals complete a more efficient planning process.

As one who's job it is to be a project leader for a Federal Agency I find this guidance to be wholly inconsequential. I would advise that the CEQ really take a hard look at the NEPA process and provide some more useful ground-proven guidance rather than re-hashing much of the same guidance that has been around for decades.

This "draft" document is just a rehash of guidance that already exists. There is absolutely nothing new in here, so I'm baffled as to why this being called a "draft" of anything. Since there is nothing new, there is nothing that improves anything and therefore, nothing to comment on. This is just existing guidance with different packaging, posing as something new.

As has been stated over and over, we need actual updated guidance on implementing NEPA, not just a re-statement of the existing ambiguous guidance.

As a NEPA Planner, I know where the problems are and can write you actual new guidance.

Please clarify in the guidance on pages 11-12 concerning adoption and incorporation by reference

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Engineers

Robert Haggard

Retired
Environmental
Planner

Improving Efficiency

Susan Hale

Project Support
Services

Improving Efficiency

Improving Efficiency

Robin Meigel

individual

Improving Efficiency

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whether a cooperating agency on another agency's EIS is to adopt or merely incorporate by reference the portions of the EIS that are relevant to the coop agency's action which itself involves an EA. The guidance and regulations imply that adoption is for similar type NEPA documents (E.g., EIS to EIS and EA to EA).

CEQ is at odds with courts and the EPA which require excessive documentation and analysis. Further, this weak effort by the Administration to update NEPA processes is only an attempt to mask the administrations efforts to stop all projects related to developing natural resources within our nation. The administration will have to do more than offer weak guidance. It must issue executive orders to all agencies that will provide direction that really provide emphasis for resource or project development. And seek Congressional changes in law that limits the power of the courts that call for far too much analysis and review.

"Efficient and Timely Reviews" will only happen if agencies realize that public collaboration (before scoping) should be the most important element of the NEPA process. I'm referring to the type of collaboration that occurs before scoping, as described under the Healthy Forests Restoration Act. Get people involved even in the actual planning of the purpose and need and alternatives so they have a hand in the planning process and thus can take some "ownership" in the outcome. People aren't as apt to criticize their own work, so let them get to work along side federal agency planners. This is one aspect where the CEQ regs are lacking; that is, requiring collaboration prior to scoping. Many federal agencies only do the minimum for public participation and information -- a few meetings and some fact sheets. Public collaboration goes way beyond that, and in this climate of litigation and court orders to slow or halt projects, federal agencies must implement extension and effective public collaboration.

This guidance is a rehash of things that agencies already do. There is nothing new presened in the 13 pages. Anyone who practices NEPA and has the tinst bit of common sense should already employ the nine "strategies".

The alternatives analysis should be different as between actions initiated by the fed government and projects initiated in the private sector that come to a federal credit program for financing ready

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[Redacted comment text]

[Redacted comment text]

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				Improving Efficiency
Kent Satterlee	Shell Exploration & Production			Improving Efficiency
Doug Heiken	Oregon Wild			Improving Efficiency
Gordon Arbuckle	Individual			Improving Efficiency
Carl Portman	Resource Development Council			Improving Efficiency
Daric Knight	AZNRCD			Improving Efficiency
Rebecca Kagan Sternhell	City of New York	New York City	New York	Programmatic NEPA Reviews
Jacob Rajala	Retired			Improving Efficiency

NEPA Public Comments

formed. In the latter case, analysis of alternatives is all too often make work - it is not reasonable to think the applicant can or will pursue alternatives to the ready form project if credit is declined by the federal agency after making its NEPA determination. There should be a different standard (basically just the no action standard) of alternatives analysis for projects that apply for federal financing.

This is particularly relevant in utility financing - renewable energy and other - where a site is already lined up - the fed government is not involved with the private actor at that early stage.

Attachment

Attached are the comments of the Resource Development Council on CEQ draft guidance on promoting efficient NEPA environmental reviews.

Please see attached.

Improving NEPA efficiencies is a worthwhile goal. It should be recognized, however, that the NEPA process itself can be cumbersome and time consuming when it is applied correctly. Expediting the NEPA process to the detriment of meeting its basic objectives would be counterproductive.

There is much good, and thoughtful direction contained in this Draft Guidance. The most glaring deficiency of the Draft Guidance is explained below.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/shell_comments_on_ceq_nepa_efficiencies.pdf

http://www.whitehouse.gov/files/ceq/nepa_efficiencies_guidance_cmt_1-23-2012_ceq.doc

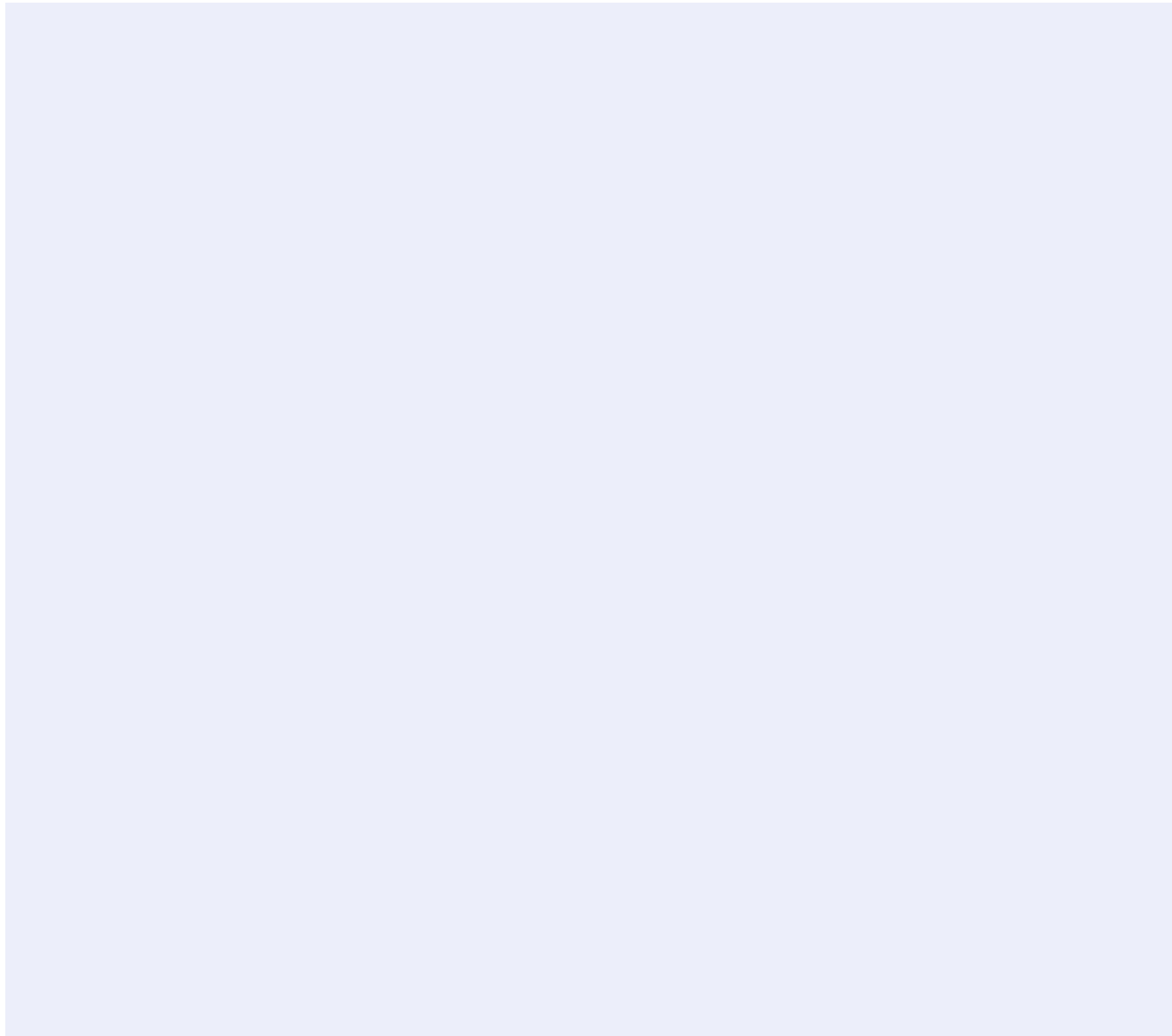
<http://www.whitehouse.gov/files/ceq/nepa.doc>

http://www.whitehouse.gov/files/ceq/nepa_guidance_comments.pdf

http://www.whitehouse.gov/files/ceq/comments_for_ceq_guidance_2.xml

http://www.whitehouse.gov/sites/default/files/docs/city_of_new_york_comments.pdf

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One of the biggest inefficiencies in the NEPA process is that too many agencies are treating EAs like EISs. This is a tremendous waste of time and effort on the EA level. For example, agencies will address a reasonable range of alternatives at the EA level of analysis when alternatives are only required in a EA under very specific circumstances. To promote efficiencies, the CEQ in this Guidance, should emphasize the distinctions between EAs and EISs.

The draft Guidance confuses the distinction between the EA and the EIS levels of analysis for the agencies when it states "...many of the provisions of the CEQ Regulations which specifically refer to an Environmental Impact Statement (EIS) can also apply to an Environmental Assessment (EA)." While this is true in some respects, in order to promote efficiencies in the NEPA process this Guidance should add a new section which highlights the differences between EAs and EIS and specifically identifies EIS sections and procedures which are NOT required for an EA level of analysis. There are only 4 elements (5 if there are unresolved conflicts) to an EA, according to the CEQ definition.

The draft guidance further confuses the distinction between the two levels of NEPA analysis in Part 3 "Scoping" wherein twice it is stated that there can be significant issues at the EA level of analysis. Significant issues would exclude an EA level of analysis.

The draft guidance further confuses the distinction in Part 6 "Adoption" where it is stated that a draft EA is not required, but in Part 8 "Expediting Responses" it is stated that a draft EA could be used as the final. There is no NEPA document such as a "draft" EA, equivalent to a "Draft" EIS.

The Draft Guidance further confuses the distinction between the two levels of NEPA analysis where it defines an EIS level of analysis, "The most intensive level of analysis is the Environmental Impact Statement which is typically reserved for the analysis of proposed actions that are expected

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Scott Horngren	American Forest Resource Council	Improving Efficiency
Weaver	Oregon DOT	Improving Efficiency

NEPA Public Comments

to result in significant environmental impacts." The inclusion of the word "typically" is inappropriate and not in accordance with the CEQ definition of an EIS and results in blurring the distinction between levels of NEPA analysis.

Thank you for this opportunity to comment.

Please see attached comments from the American Forest Resource Council

General - The guidance doesn't seem to meet the definition of guidance. The paper primarily regurgitates existing regulation and organizes it. Organizing regulations is helpful, but the paper needs to provide more "CEQ interpretation, as the introductory info on Page 2 suggests, As currently written, it does very little to help us "improve the process". Unless you embark on updating the 1500's or questions, you're not likely going to see any remarkable improvement in the process.

Page 4, Item 1 - Concise NEPA Documents. While Page 2 states that this guidance provides CEQ's interpretation of existing regulations, the first paragraph under Concise NEPA Documents is clearly a regurgitation of regulation with no interpretation. For instance "Agencies are encouraged to concentrate on environmental analysis in their EAs and EISs not to produce an encyclopedia of all applicable information." We would like to see the guidance elaborate on what CEQ would consider "encyclopedic applicable information". What information can the reader of a NEPA document be expected to research on their own, should they want additional information? And is this in parallel with what the courts have established?

Page 7 "The NEPA implementing procedures for such agencies must provide access to designated staff or the policies that can inform applicants and other non-Federal entities of studies or other information foreseeably required for later Federal action". This statement is a bit difficult to read

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/afrc_comments_on_nepa_cases_streamlining.pdf

http://www.whitehouse.gov/files/ceq/odot_comments_on_nepa_efficiencies.xls

NEPA Public Comments

Stuart Arkley	Minnesota Department of Natural Resources	Improving Efficiency
Jack Ladd	Hereford Natural Resource Conservation District	Improving Efficiency
Vicki France	old environmentalist	Improving Efficiency
Delaine Shane	The Metropolitan Water District of Southern California	Improving Efficiency
Carlos Swonke	Texas Department of Transportation	Improving Efficiency
		Improving Efficiency
		Improving Efficiency

NEPA Public Comments

because procedures don't provide access. They might provide "for" access?

Page 12, Item 6 - Adoption. Consider adding another option for public review/comment for the preparing agency in the following statement. "If an agency's implementing NEPA Procedures establish requirements for public review and comment when preparing an EA, however, then the adopting agency must provide a similar process when it adopts the preparing agency's EA." We are uncomfortable with this suggestion as it is possible to incorporate the preparing agency and the adopting agency's public review process into one process - rather than two duplicative ones as the statement suggests. After all, it is likely that the two agencies have similar interested parties lists. Both agencies can also develop and present information at open houses, hearings, websites, etc.

Comments from the Minnesota Department of Natural Resources are provided in the attached letter (PDF document), signed by Steve Colvin on January 26, 2012.

Print copy will be mailed by certified mail.

Please refer to attached letter from The Metropolitan Water District of Southern California for comments on the CEQ's Draft Guidance on NEPA Efficiencies. Thank you.

Please see the Texas Department of Transportation's attached comment.

January 27, 2012

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http://www.whitehouse.gov/files/ceq/mdnr_comment_ltr_2012_0126_signed.pdf

http://www.whitehouse.gov/files/ceq/12_jan_26_council_on_eq_signed.pdf

http://www.whitehouse.gov/files/ceq/nepa_ceq_comments.pdf

http://www.whitehouse.gov/files/ceq/ceq_nepa_guidance_comments.pdf

http://www.whitehouse.gov/files/ceq/ceq_draft_guidance.pdf

http://www.whitehouse.gov/files/ceq/asce_ceq_nepa_guidance_january_2012.pdf

http://www.whitehouse.gov/files/ceq/pe_ceq_nepa_comments_06_17_10_final.pdf

NEPA Public Comments

NEPA Public Comments

Council on Environmental Quality
722 Jackson Place NW
Washington, D.C. 20503

ATTN: Horst Greczmiel, Associate Director for the National Environmental Policy Act Oversight

RE: Comments of the American Society of Civil Engineers on the draft guidance on improving the process for preparing efficient and timely environmental reviews under the National Environmental Policy Act

The American Society of Civil Engineers (ASCE) is pleased to provide the following comments to the Council on Environmental Quality (CEQ) on the CEQ's draft guidance to improve the efficiency and timing of environmental reviews under the National Environmental Policy Act (NEPA). 76 Fed. Reg. 77492 (Dec. 13, 2011).

We do not believe that the draft guidance will improve the efficiency or timing of the preparation of environmental reviews under NEPA. The guidance lacks meaningful deadlines or direction on the timing by which the agencies are to complete their environmental reviews. Nor does the guidance establish clear ground rules for designating a lead agency to complete the environmental review of each project or activity to be permitted or funded by the federal government.

BACKGROUND

The National Environmental Policy Act (NEPA) is less a statute than a planning manual. Unlike other environmental laws like the Clean Water Act or the Clean Air Act, NEPA does not regulate public conduct. It orders federal agencies to consider ecological factors when the agencies'

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William Imbergamo Federal Forest
Resource Coalition

Improving Efficiency

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Please see the attached comments on behalf of the Federal Forest Resource Coalition.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/ffrc_to_sutley_january_2012.pdf

NEPA Public Comments

	Pima NRCD	Improving Efficiency
Kelsey Delaney	Society of American Foresters	Improving Efficiency
David Sire	Department of the Interior	Improving Efficiency
Peter Tolsdorf	American Petroleum Institute	Improving Efficiency
Susan Bromm	EPA - Office of Federal Activities	Improving Efficiency
Peter Tolsdorf	American Petroleum Institute	Improving Efficiency
Kevin Richards	American Farm Bureau Federation	Improving Efficiency
Howard Learner	Environmental Law & Policy Center	Improving Efficiency
Joan Dreskin	Interstate Natural Gas Association of America	Improving Efficiency

NEPA Public Comments

Please accept the attached comments by the Society of American Foresters'. We thank you for your time and consideration.

Please see the attached comments from the Department of the Interior.

These comments are being submitted on behalf of a production agriculture coalition, including:

- Agriculture Retailers Association
- American Farm Bureau Federation
- American Seed Trade Association
- American Soybean Association
- American Sugarbeet Growers Association
- Biotechnology Industry Organization
- National Association of Wheat Growers
- National Corn Growers Association
- National Cotton Council

Please see attached comments.

Attached please find the comments of the Interstate Natural Gas Association of America.

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/comments_for_ceq_guidance_pima.doc

http://www.whitehouse.gov/files/ceq/saf_comments_on_ceq_draft_nepa_guidelines_final_jan_27.pdf

http://www.whitehouse.gov/files/ceq/doi_comment_draft_guidance_20120127.pdf

http://www.whitehouse.gov/files/ceq/ceq_comment_letter_nepa_streamlining_review_final_1-27-12.pdf

http://www.whitehouse.gov/files/ceq/epa_comments_-_ceq_draft_nepa_efficiencies_guidance.pdf

http://www.whitehouse.gov/files/ceq/ceq_comment_letter_nepa_streamlining_review_final_1-27-12_0.pdf

http://www.whitehouse.gov/files/ceq/final_ceq_nepa_comments_120127_1.doc

http://www.whitehouse.gov/files/ceq/ceq_elpc_comments_on_nepa_efficiency_guidance_final.pdf

http://www.whitehouse.gov/files/ceq/ingaa_comments_nepa_guidance_1-27-11.pdf

NEPA Public Comments

Dan Keppen	Family Farm Alliance	Improving Efficiency
Mark Compron	Northwest Mining Association	Improving Efficiency
Nancy Young	Airlines for America (A4A)	Improving Efficiency
Johnny Pappas	Romarco Minerals, Inc.	Improving Efficiency
Daniel S. Sullivan	Commissioner, Alaska Dept of Natural Resources	Improving Efficiency
Karen Gouveia	Pacific Gas and Electric Company	Improving Efficiency
Stephen Schima	The Partnership Project	Improving Efficiency
David Modeer	Western Urban Water Coalition	Improving Efficiency
Jim Butler	Barrick Gold, North America Inc.	Improving Efficiency

NEPA Public Comments

See attached comment letter.

Attached please find comments from the Northwest Mining Association regarding CEQ's draft NEPA Efficiencies Guidance.

Please see the attached comment letter.

Please see attached draft comments from Alaska Department of Natural Resources Commissioner Daniel S. Sullivan.

Thank you.

On behalf of Diane Ross-Leech, attached are PG&E's Comments on the Draft CEQ Guidelines for NEPA Efficiency.

Please accept the attached comments, filed on behalf of the Western Urban Water Coalition.
Thank you.

January 27, 2012

The Council on Environmental Quality

Attn: Horst Greczmiel

Associate Director for National Environmental Policy Act Oversight

722 Jackson Place, NW

Washington DC 20503

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/nepa_ceq_january_2012final.pdf

http://www.whitehouse.gov/files/ceq/nwma_final_comments_on_timely_nepa_reviews_1-12.pdf

http://www.whitehouse.gov/files/ceq/a4a_comments_on_nepa_efficiency_guidance_1-27-12.pdf

<http://www.whitehouse.gov/files/ceq/ceqdraftguidance.pdf>

http://www.whitehouse.gov/files/ceq/dnr_nepa_comments.pdf

http://www.whitehouse.gov/files/ceq/pge_comments_on_the_draft_ceq_guidelines_for_nepa_efficiency.pdf

http://www.whitehouse.gov/files/ceq/nepa_efficiencies_guidance_comment_letter.pdf

http://www.whitehouse.gov/files/ceq/wuwc_comments_on_ceq_nepa_guidance_-_jan_2012.pdf

NEPA Public Comments



NEPA Public Comments

Submitted via email to: hgregzmiel@ceq.eop.gov

Comments on Draft CEQ Guidance “Improving the Process for preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act,” Submitted by Barrick Gold, North America Inc.

Introduction

On December 13, 2011, the Council on Environmental Quality (CEQ) released for review and comment proposed draft guidance for departments and agencies of the Federal government on Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act (NEPA) (referred to as Draft Guidance).

These comments are submitted by Barrick Gold, North America Inc., on behalf of itself and affiliated and related companies that are directly affected by the implementation of NEPA (collectively “Barrick”). Barrick is a gold industry leader, with interests in 26 operating mines and a pipeline of mining projects located across five continents. In the U.S., Barrick owns, in whole or in part, mines and mining claims throughout the United States, including seven operating mines in Nevada and one in Montana. In Nevada and Montana alone, Barrick’s mines directly employ approximately 4,000 people and thousands more support those mines as contractors and suppliers. In the United States, most of Barrick’s activities occur on public lands managed by the U.S. Bureau of Land Management or U.S. Forest Service. Decisions by these agencies to approve exploration and mining activities are subject to NEPA. Barrick’s exploration and mining activities have been the subject of dozens of environmental assessments and environmental impact

NEPA Public Comments



NEPA Public Comments

Christopher
Anderson

NCTCOG

Improving Efficiency

NEPA Public Comments

I would appreciate your indulgence and allow me to submit the North Central Texas Council of Governments' comments later this evening, probably between 6p and 7p EST. I am waiting on my Transportation Director's signature, but he will be in conference for some time. If it is not possible to grant this extension, so that our comments are part of the public record, your consideration of them would still be appreciated. Thank you. Christopher

NEPA Public Comments

NEPA Public Comments

Daniel S. Sullivan	Commissioner, Alaska Dept of Natural Resources	Improving Efficiency
Daniel S Sullivan	Commissioner, Alaska Dept of Natural Resources	Improving Efficiency

NEPA Public Comments

January 27, 2012

Ms. Nancy H. Sutley
Chair
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Subject: Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act

Dear Ms. Sutley,

The State of Alaska reviewed the Council on Environmental Quality's (CEQ) Draft National Environmental Policy Act (NEPA) guidelines for preparing efficient and timely environmental reviews. The State supports efforts to make the NEPA process and documentation more concise, meaningful, and timely. Unfortunately, the guidelines offer nothing new in terms of how federal agencies are to comply with the existing regulations to achieve the desired results, nor does the document take into account agency-specific policy and court decisions that have occurred since the CEQ regulations were first implemented in 1981.

NEPA documents, especially environmental impact statements (EIS), have evolved over the years and now typically involve excessively long processes and voluminous documentation. Given their

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http://www.whitehouse.gov/files/ceq/dnr_nepa_comments_0.pdf

NEPA Public Comments

NEPA Public Comments

sheer length and repetitive nature, these NEPA documents are becoming exceedingly difficult for readers to navigate and meaningfully review, which essentially thwarts the purpose behind the public review process. For example, the recent Point Thomson DEIS is 1,456 pages, including 21 appendices, which makes the total document approximately 6,000 pages. This document, along with several other ongoing NEPA reviews (i.e. Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017, Shell's Outer Continental Shelf Lease Exploration Plan, and Arctic National Wildlife Refuge Comprehensive Conservation Plan and DEIS) clearly illustrate that the size recommendation of less than 300 pages for proposals of unusual scope and complexity is unrealistic. As a result, it is becoming increasingly difficult for State agencies to assign adequate resources to conduct thorough and meaningful NEPA reviews when documents of this size are the norm rather than the exception.

The State offers the following recommendations for the guidance document to help reduce unnecessary length and complexity currently associated with NEPA reviews:

- Provide clear direction to avoid including unrealistic alternatives in NEPA documents. It appears that alternatives are being developed solely for the sake of having four or five alternatives, regardless of feasibility or practicality. Evaluating fewer realistic alternatives would provide for a more meaningful analysis.
- Include guidelines for how to incorporate outside or existing material by reference so that the documents are readable, defensible, and concise.
- Direct agencies to focus on existing data and studies, minimizing acquisition of new data whenever possible, particularly for alternatives that are not likely to be pursued.

In addition, the State recommends creating guidelines clarifying specific standards for assigning a lead agency and addressing how each agency can find consistency in their assessment of projects within the NEPA process. It is confusing when similar projects are assigned to different lead

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Henri Bartholomot	Edison Electric Institute	Improving Efficiency
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Bob Barnes	The Nature Conservancy	Improving Efficiency
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NEPA Public Comments

agencies that address the NEPA process differently. Each federal agency has different “filters” and missions, making it difficult for all entities to develop a consistent approach to evaluating NEPA documents. Additionally, as third party contactors are often responsible for developing a bulk of the review documents, developing contract requirements that meet the intent of this guidance may help eliminate the incentive for contactors to produce large NEPA documents.

Lastly, early and frequent communication with the State of Alaska is a key component to moving projects forward and is encouraged at all phases of the NEPA process. The State looks forward to its continued involvement with NEPA-guided projects by offering our expertise, knowledge, and available information. We understand CEQ is undertaking other measures to improve the NEPA process, and we hope that this document, in conjunction with these other efforts, will serve to find new and innovative ways to improve the NEPA process within the State of Alaska.

Thank you for this opportunity to comment on CEQ draft guidelines for the NEPA process.

Sincerely,
Daniel S. Sullivan
Commissioner
Alaska Dept. of Natural Resources
January 27, 2012

I am submitting the attached comments on behalf of the Edison Electric Institute (EEI) in response to CEQ's draft guidance on improving the process for preparing efficient and timely environmental reviews under NEPA. CEQ published a notice at 76 Fed. Reg. 77492, on December 13, 2011, inviting comments on the draft guidance by today. Thank you.

See attached.

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http://www.whitehouse.gov/files/ceq/nepa_-_ceq_draft_streamlining_guidance_-_eei_cmts_1-27-12.pdf

http://www.whitehouse.gov/files/ceq/ceq_nepa_efficiency_guidance_-_tnc_comments.doc

NEPA Public Comments

Nina Bicknese	U.S. Fish and Wildlife Service	Sacramento	California	Draft NEPA-CEQA Handbook
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John Robles	Fish and wildlife Service			Draft NEPA-CEQA Handbook
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Peggy Barthel	Lake County Community Development Department	Lakeport	California	Draft NEPA-CEQA Handbook
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David Ortman	Attorney	Seattle	Washington	Programmatic NEPA Reviews
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Stephen Buckley	http://twitter.com/NEPAtown			Improving Efficiency
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NEPA Public Comments

The April 19 deadline for comments does not allow enough time for adequate review by agency staff, the collection of comments, review of those comments, and consolidation of comments. Several things in this handbook are not fully consistent with information presented at training classes I have taken on the preparation of joint EIS/EIR documents; some draft Handbook content could change the scope of my agency's joint NEPA/CEQA documents prepared for permit actions. Much more time is needed for agency review of this draft handbook. I recommend CEQ extend the review and comment period for an additional 60 to 90 days.

we need an additional 90 days to review

Thank you for the opportunity to review the docuemnt. I have just one minor comment: On page 12, question 3, in the first paragraph of the NEPA requirement discussion, The last sentence begins with "In addition," which seems to imply that an EIS will be written regardless of other documents. Would it be more appropriate to us "Alternatively" or some similar phrase?

See Attached.

President's Council on Environmental Quality
Mr. Horst Greczmiel
Associate Director for National Environmental Policy Act Oversight
722 Jackson Place, N.W.
Washington, DC 20503

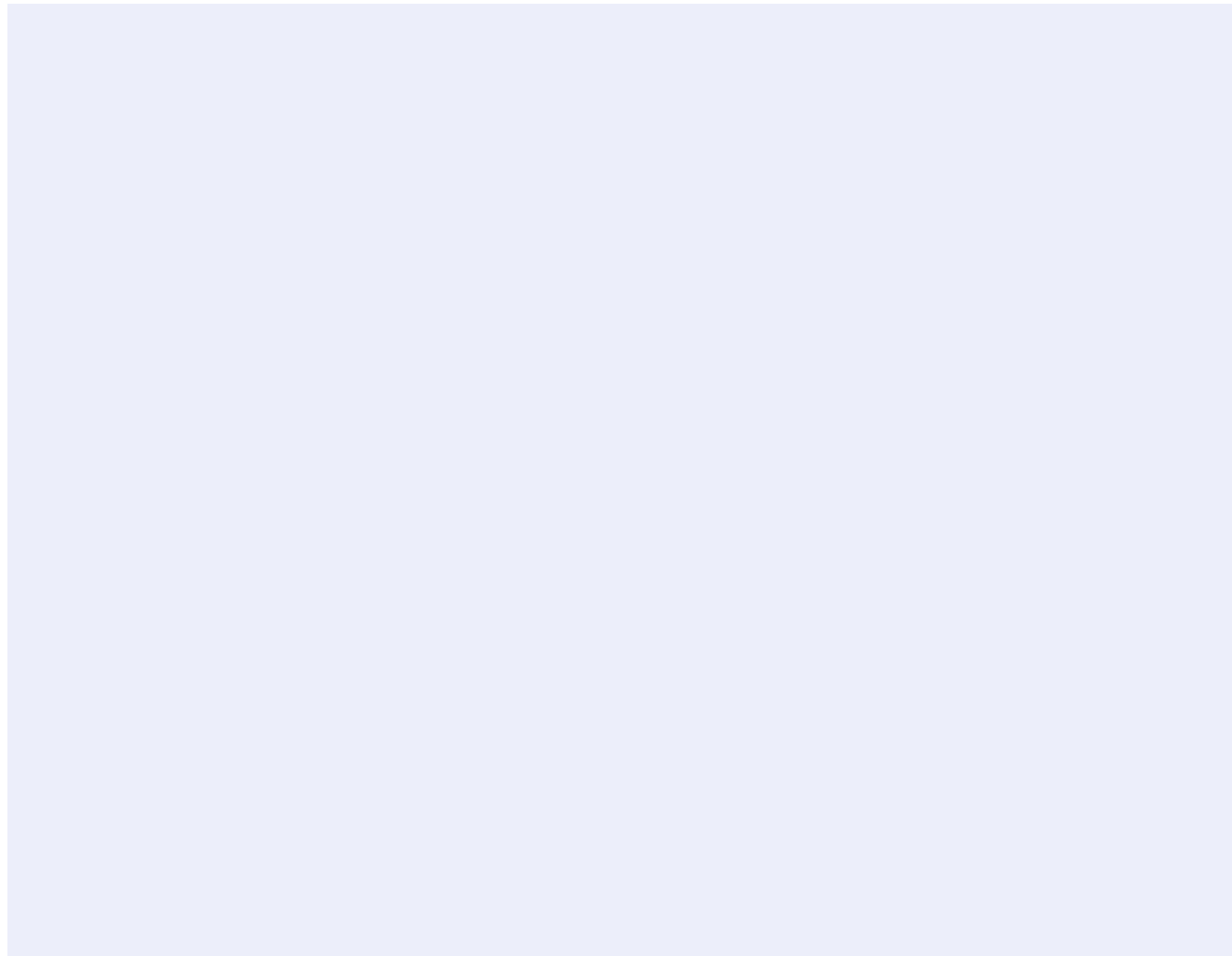
Dear Mr. Greczmiel,

I am responding to CEQ's request (Federal Register, 12/13/11) for public comments on its "Draft Guidance - Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act."

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/ceq__programmatic_nepa_review.doc

NEPA Public Comments



Katie Sweeney	National Mining Association	Improving Efficiency
T. Peter Ruane	American Road &	Improving Efficiency

NEPA Public Comments

In the thirty-plus years since CEQ issued its regulations for complying with NEPA, CEQ has been issuing only "guidance" to help federal agencies better understand, and comply, with the legal requirements for NEPA. This draft guidance is yet another attempt to "clarify" to federal agencies how they can do this in a more efficient and timely way.

However, in those 30 years of CEQ's "guidance", NEPA documents which are produced by federal agencies under CEQ-approved procedures are growing larger and taking longer to produce. Environmental Assessments (EAs) are now equivalent to Environmental Impact Statements of 30 years ago, and Categorical Exclusions (CEs) often resemble the old EAs.

If, as you say, " NEPA encourages simple, straightforward, and concise reviews and documentation..", then you are not exploring the possibility that the last 30 years of accumulated CEQ "guidance", including this draft, are making things more unclear as to what CEQ is thinking.

I suggest that you consult CEQ's Open Government Plan and figure out how to get out of the rut of consulting the usual suspects and begin talking with those NEPA practitioners who are actually writing NEPA documents.

Please give me a call, so that we can discuss how you can begin collaborating "outside the box".

sincerely,

Stephen Buckley

24/7 voice: (508) 348-9090

<http://www.twitter.com/NEPAtown>

Please find attached the comments of the American Road & Transportation Builders Association

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/final_2012_comments.pdf

http://www.whitehouse.gov/files/ceq/artba_comments_on_ceq_improving_nepa_draft_guidance.pdf

NEPA Public Comments

	Transportation Builders Association (ARTBA)	
Dan Perge	TxDOT	Improving Efficiency
Holly Propst	Western Business Roundtable	Improving Efficiency
Kate Kurgan	AASHTO	Improving Efficiency
Joyce Dillard		Improving Efficiency
Christopher Anderson	NCTCOG	Improving Efficiency
Steve Hall	Point Environmental	Improving Efficiency

NEPA Public Comments

(ARTBA) regarding the Council on Environmental Quality's Draft Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act. If you have any problems with or questions regarding the attached document, please call (202) 289-4434 ext. 207 or email ngoldstein@artba.org.

Concerning Clear Time Lines for NEPA reviews, Stewardship Agreements should be made between various entities such as State DOTs, Resources Agency, FHWA, FTA, on the content and time line for reviews. Also, implement the One and Done approach on the reviews of environmental documents. Create a website for Improving the Process for Preparing Efficient and Timely Environmental Reviews under the NEPA to include more specific examples from all the States. Thanks.

The Western Business Roundtable appreciates the opportunity to comment on the draft CEQ guidance, entitled "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act."

Find those comments attached.

Holly Propst
Executive Director
Western Business Roundtable

Please see the attached PDF file.

We are in PACIFIC STANDARD TIME. Please take that into consideration on your deadlines.
Comments attached.

Please contact me if you have any questions about this submittal. Thank you for your consideration. Christopher

I would like to recommend that CEQ consider adding two previous CEQ recommendations to the

NEPA Public Comments

http://www.whitehouse.gov/files/ceq/artba_comments_on_ceq_improving_nepa_draft_guidance.pdf

http://www.whitehouse.gov/files/ceq/wbrt_comments_nepaguidance_efficiency_filed.pdf

http://www.whitehouse.gov/files/ceq/improving_the_process_for_preparing_efficient_and_timely_environmental_reviews_under_the_national_environmental_policy_act_final.pdf

http://www.whitehouse.gov/files/ceq/comments_to_ceq-2011-0006-0001_nepa_review_due_1.27.2012.pdf

http://www.whitehouse.gov/files/ceq/nctcog_comments_on_efficient_env_review_tools_01.27.12.pdf

NEPA Public Comments

Consulting, Inc.

Piet and Carole
deWitt

Improving Efficiency

Felicia Brechtel

Worden Williams

Solana Beach

California

Draft NEPA-CEQA

NEPA Public Comments

Draft NEPA Efficiencies Guidance.

First, as described in CEQ's 2003 "Modernizing NEPA," please consider adding a section to the guidance that describes how programmatic NEPA analyses may be used to "reduce or eliminate redundant and duplicative analyses" of recurring actions. Many federal agencies face the same issues again and again, yet address them ad hoc for each NEPA project. While every project carries unique issues that must be deferred to project-specific review, many recurring issues could be addressed more efficiently at the policy and programmatic level, rather than ad hoc at the project level.

Second, as described in CEQ's "Aligning National Environmental Policy Act Processes with Environmental Management Systems (EMS)," please consider adding a section to the efficiency guidance that discusses how integration of NEPA with an EMS can "substantially benefit an agency's environmental performance." Integrating EMS and NEPA also seems to align closely with "adaptive management" as well as CEQ's recent mitigation and monitoring guidelines. Please consider revising the guidance to explain how these similar tools might be better aligned to increase efficiencies in NEPA.

Finally, please consider how both of these previous CEQ recommendations may actually work well in concert to improve NEPA efficiencies, with a programmatic NEPA analysis being used to develop an EMS that establishes standardized approaches to recurring issues, mitigation, monitoring and adaptive management. Establishing such a system should greatly increase efficiencies by reducing the duplication and inconsistencies that comes with an ad hoc approach to NEPA.

Regarding Section 106 and Historical Resources. The California case Madera Oversight indicates

NEPA Public Comments

<http://www.whitehouse.gov/files/ceq/deWitt-Piet-Carolecmts26Jan2012.pdf>

NEPA Public Comments

Handbook

Mid-Pacific Region
Regional Office

Bureau of
Reclamation

Sacramento

California

Draft NEPA-CEQA
Handbook

NEPA Public Comments

that the identification of significant historic resources, and the evaluation of effects of the project on those resources cannot be delayed until the FEIR, and yet under NEPA, delay until the FEIS is appropriate. How should this conflict be resolved when doing joint documents?

1) Since there are some significant differences between CEQA and NHPA Section 106 for cultural resources/historic properties, it is suggested that the handbook include an Appendix to present these differences. For example, there is a requirement for consultation under NHPA that is not required under CEQA. Since these differences can result in scheduling issues for completion of the NEPA/CEQA process and document (existing environment, impact analysis, and mitigation), an appendix that presents CEQA and NHPA in the same manner as the body of the handbook would be extremely useful.

The same comment can be made about the Federal ESA and California ESA requirements. However, this may be a slippery slope if you get into the other regulatory requirements related to NEPA and CEQA review _ and I don't think that was the purpose of this guidance document.

2) One of the issues with preparing joint NEPA/CEQA documents is the formatting of the document itself. It would be extremely helpful to include a good example in the appendix and/or links to where one can be found.

3) Since this guidance is meant to help those who are already familiar with NEPA and CEQA processes, and to provide guidance on how to incorporate the of each process into a single

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environmental review, the last line of the first paragraph (Pg.4) should be moved to the first line of the second paragraph to highlight the purpose of this document.

Please consider this revision: ñThe purpose of this handbook is to provide practitioners with an overviewfî

4) Please consider this suggested revision to the first paragraph on Pg. 5, 1a:

NEPA applies when there is a Federal discretionary action. Federal actions include ñproposals for legislation and other major Federal actionsî (42 USC _ 4332(2)(c)), and actions with the potential for environmental impacts such as, but not limited to: adoption and approval of official policy, formal plans, programs, and specific Federal projects (40 CFR _ 1508.18). NEPA also applies in cases where an agency is exercising its discretion in deciding whether and how to exercise its authority over an otherwise non-Federal project (for example, issuing a permit or approving funding).

5) The guidance does a good job of explaining the similarities and differences for the NEPA/CEQA requirements, but what would be helpful is to include in this section a table that lists the minimal requirements of each of the documents (EA, FONSI, EIS, ROD, EIR, and NOD). Someone looking

NEPA Public Comments

NEPA Public Comments

Rachel Struglia	Dudek	San Juan Capistrano	California	Draft NEPA-CEQA Handbook
Abby Schneider	Association of California Water Agencies	Washington	District of Columbia	Draft NEPA-CEQA Handbook
Abby Schneider	Association of California Water Agencies	Washington	District of Columbia	Draft NEPA-CEQA Handbook
JoAnn Corey	Irvine Ranch Water District	Irvine	California	Draft NEPA-CEQA Handbook
Kathie Schievelbein	California Department of Toxic Substances Control - Office of Planning and Environmental Analysis	Sacramento	California	Draft NEPA-CEQA Handbook

NEPA Public Comments

to prepare a joint document has a starting point from which to structure their document.

For example you wanted to prepare an EA/IS, Table X lists the minimum CEQ requirements for an EA, as well as the minimum CEQA requirements for an IS. This is the starting point, and depending on the project, other CEQ and CEQA requirements for an EA and IS can be included as necessary.

Please see our attached comment letter. Thank you for the opportunity to comment.

Please see the attached letter from the Association of California Water Agencies.

Please see the attached letter from the Association of California Water Agencies

See attached attachment for District's comments.

Very useful document. A few suggestions are shown on the attached file.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/dudek_comment_letter.pdf

http://www.whitehouse.gov/sites/default/files/docs/acwa_nepa_ceqa_comments_0.pdf

http://www.whitehouse.gov/sites/default/files/docs/acwa_nepa_ceqa_comments_1.pdf

http://www.whitehouse.gov/sites/default/files/docs/final_comment_letter_for_ceqa_nepa_handbook.pdf

http://www.whitehouse.gov/sites/default/files/docs/nepa_ceqahandbookdtsc_comments.pdf

NEPA Public Comments

Charity Schiller	Best Best & Krieger LLP	Riverside	California	Draft NEPA-CEQA Handbook
Rana Ahmadi	San Francisco Municipal Transportation Agency	San Francisco	California	Draft NEPA-CEQA Handbook
Sophia Merk	National Public Lands News.com	Ridgecrest	California	Draft NEPA-CEQA Handbook

NEPA Public Comments

Attached please find our comments on the draft NEPA-CEQA Handbook

Please see attachment

Thank you for the opportunity for us to respond to the comment period on the above mentioned draft. What was not clear was to why this was taking place at this time until page 51. One of the basic points of NEPA and CEQA is disclosure and both under reducing paperwork are both mandated to coming to the point.

Most of the stakeholders in California have been privy to the fact that there are major discrepancies between the CEC and the NEPA process, even though; a large number of projects are being approved on Federal Lands that adhere to NEPA and in some cases CEQA.

In a comparison between pages 9 and 52 a third Table should have been provided for the differences between CEQA and the CEC for the convenience of the reviewer. A timeline should have and could have been provided also, and therefore we are making a request that this extra chart be made with those timelines. One of the NEPA major items listed on page 9 that was left off on page 52, was to Engage the public to the extent practicable under EA. Another item left off under NEPA was the Public and Agency Review. And lastly, Agency decision was left off under the NEPA side on page 52.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/comments_on_the_draft_nepa-ceqa_handbook.pdf

http://www.whitehouse.gov/sites/default/files/docs/nepa_and_ceqa_integration_4-19-13_f_comments.pdf

NEPA Public Comments



NEPA Public Comments

The differences between CEQA and CEC in pages 9 and 52 were very pronounced. Initial Study was completely left out, Scoping was changed to a Site Visit with no input from the public.

1. Scoping and Public Notification

a. Notification

NEPA and CEQA have similar requirements for public notification and involvement. But methods are inconsistent when applied at the local level. Under CEQA, the counties are the enforcers of CEQA and counties do not have a standard list or method for public notification. In rural areas, it is difficult to go to the main county buildings and see the postings as required by law for a minimum of 20 days. Some county seats are in excess of 190 miles from their residents, ie; Tecopa to Independence, three and one half hours.

CEQA does not require formal hearings at any stage of the environmental review process, instead these are considered internal. However, agencies are encouraged to include environmental review as a topic when the agency holds a hearing on its decision to carry out or approve a project. A public hearing on the environmental impact of a project should be held if the Lead Agency determines it would facilitate the purpose and goals of CEQA. A draft EIR or negative declaration

NEPA Public Comments



NEPA Public Comments

Pamela Lacey

AGA

Washington

District of Columbia

Draft NEPA-CEQA
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NEPA Public Comments

AGA's comments are attached.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/aga_nepa-ceqa_comments_to_ceq_april_19_2013.pdf

NEPA Public Comments

Pamela Lacey	AGA	Washington	District of Columbia	Draft NEPA-CEQA Handbook
David Modeer	Western Urban Water Coalition (WUWC)			Draft NEPA-CEQA Handbook
Matthew Plummer	Pacific Gas and Electric Company	San Francisco	California	Draft NEPA-CEQA Handbook
Anmarie Medin	California Department of Transportation	Sacramento	California	Draft NEPA-CEQA Handbook
jean publi	american citizen		New Jersey	Programmatic NEPA Reviews
Lacy Levine	New Mexico Department of Agriculture		New Mexico	Programmatic NEPA Reviews
Guy Borges	Private Citizen	somerset	Massachusetts	Programmatic NEPA Reviews

NEPA Public Comments

AGA's April 2013 comments on the NEPA CEQA Draft Handbook are attached here.

See attached

Comments Attached.

See attached file.

the public has zero trust in ceq too because it appears to be assaulting nepa regulations and cutting out the public's voice every single time. there is no broad outreach to the owners of our national land at any time by any govt agency managing that land. they all have their pal "stakeholders" who they listen too and they are not the average American. allowing grazing to continue a la clive bundy is not in the national interest at this time in 2014. our govt agencies are resistant to change to 2014 and rely on 1860 "tradition" which we cannot sustain anymore. this latest ceq attempt to hurt nepa should be resisted and this change is not good for America.

Please see the attached New Mexico Department of Agriculture's comments regarding this Draft Guidance. Thank you for the opportunity to comment.

Create an on-line, web accessible Federal database that becomes the EXCLUSIVE and OFFICIAL means of promulgating a CATEX (as opposed to sign-offs that are never made known to anyone outside the office/agency). Alternatively, if the an online means cannot become the OFFICIAL means of promulgating, establish an on-line database where ALL categorical exclusions from every Federal office and agency are required to be posted in something like PDF format with searchable, supplemental descriptive info, designed to facilitate input at the level of the CATEX approving official, that uses a simple interface targeting something like 5-15 minutes to completely upload

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/aga_nepa-ceqa_comments_to_ceq_april_19_2013_0.pdf

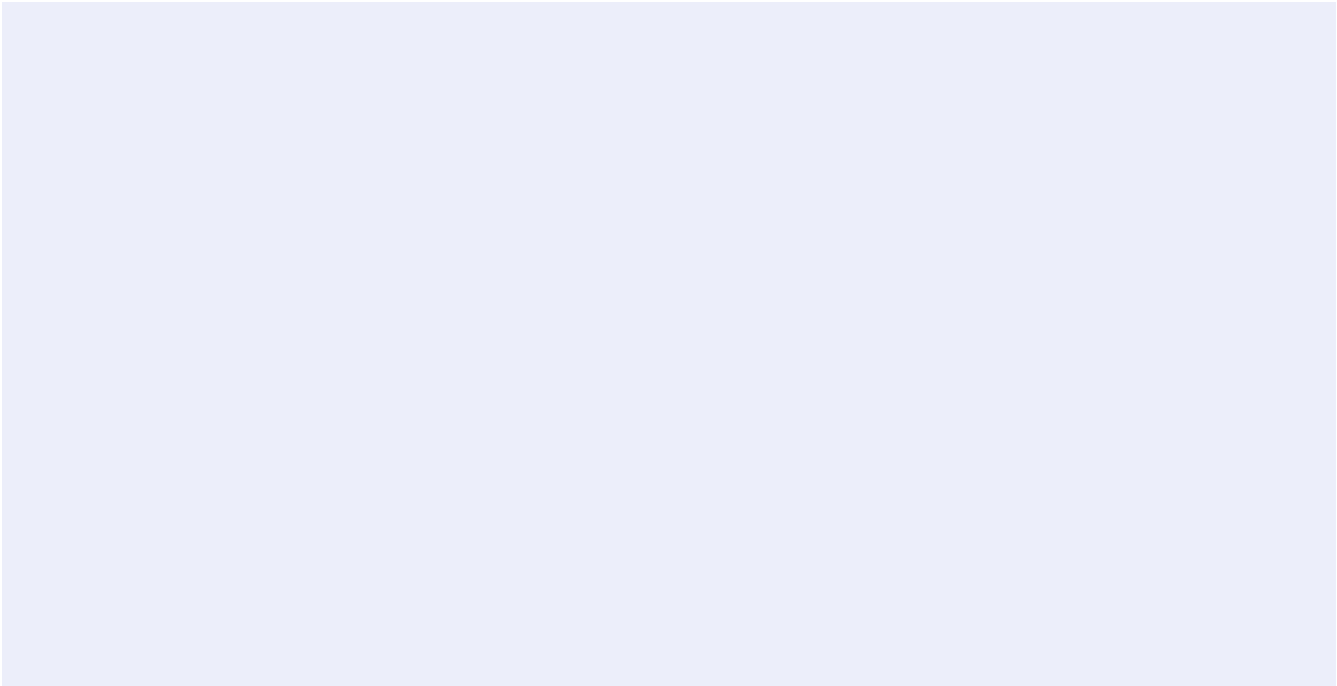
http://www.whitehouse.gov/sites/default/files/docs/wuwc_comments_on_nepa_ceqa_handbook_0.pdf

http://www.whitehouse.gov/sites/default/files/docs/pge_cmts_nepa-ceqa_handbook.pdf

http://www.whitehouse.gov/sites/default/files/docs/caltrans_comments_on_draft_ceq-opr_nepa_ceqa_guidance.pdf

http://www.whitehouse.gov/sites/default/files/docs/2014_09_26_ceq_draftguidance_effectiveuseprogrammaticnepareviews_final_commentsll.pdf

NEPA Public Comments



Charlene Beairsto	MD PArents against Cell towers on School Property	Bowie	Maryland	Programmatic NEPA Reviews
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Fred Storer	Hydration Engineering, PLLC	Bartlesville	Oklahoma	Programmatic NEPA Reviews
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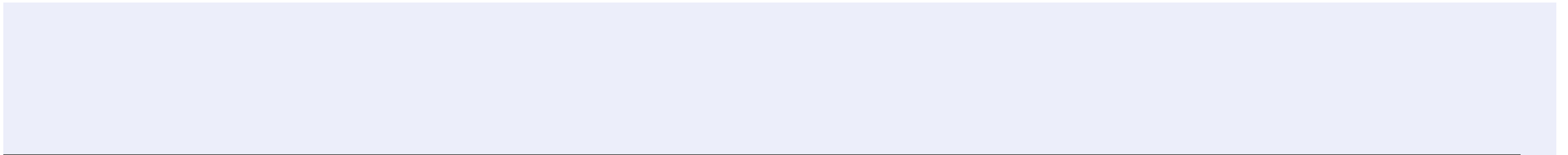
NEPA Public Comments

official, that uses a simple interface targeting something like 5-15 minutes to completely upload (no excuse that it was forgotten as too hard or time consuming). Include some standard and mandatory checkoffs/pulldowns to facilitate search/sort(e.g., city, state, year, agency, office, duration of action for the specific CATEX, areas of impact the CATEX for the action is applicable to, approximate \$ value of Action, etc.) Also have links to the full text of the respective agency's officially promulgated criteria for adjudicating if NEPA review for an action is nominally associated with a CATEX, EA, full EIS, determination that individual action qualifies as part of a larger continuing action previously reviewed under NEPA, and most importantly, criteria the agency/office applies to decide if an action is below the threshold of requiring any NEPA review at all (i.e., minor action). Also provide links to the listing of all allowable CATEXs officially promulgated by the agency, with strong emphasis on the factors that the agency has declared will preclude use of a CATEX, generally, or for individual CATEX. On line posting with search capability would obviate the need for FOIA requests, make it drastically simpler to detect segmentation of actions motivated by avoiding EAs and EISs, and would allow informed third parties to detect important disparities in how CATEXs are employed by different agencies and even disparities between different offices, locales, branches, and authorized officials within a single larger agency.

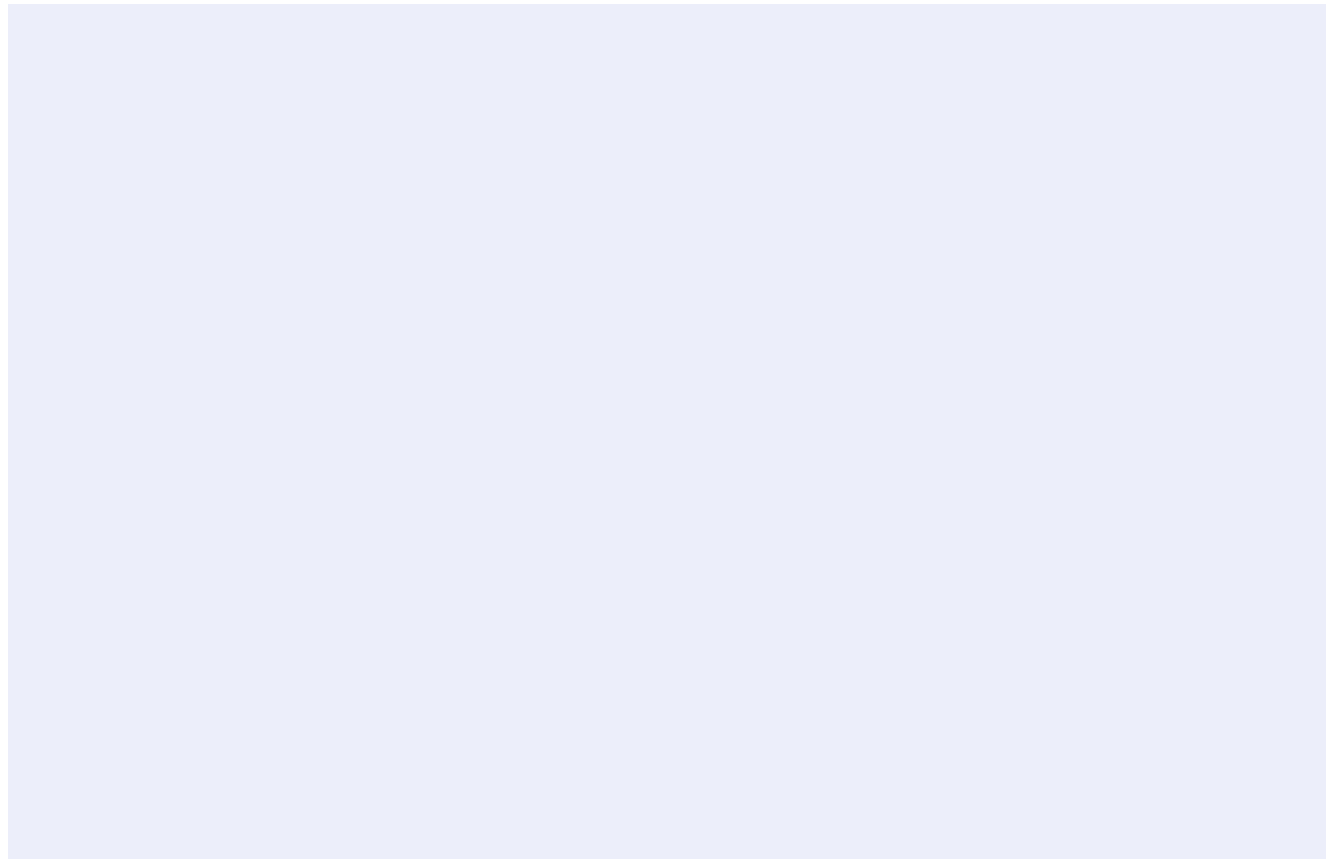
The FCC is not following NEPA because electromagnetic fields are killing bees and cell towers are killing birds. The RF standards are 15 to 20 years old and based on thermal effects not low level effects on the environment. NEPA is not being followed by the FCC among others because it is non applicable to the Federal Agencies that abuse the environment the most. Do something about Section 704 of the Telecommunications Act of 1996. Really NEPA is not being administered uniformly throughout the Federal Government. FCC rules were written by the Telecommunications industry.

Programmatic NEPA Reviews should assure consistency between agencies. An example of interagency inconsistency currently exists in Oklahoma, protection of the endangered American Burying Beetle.

NEPA Public Comments



NEPA Public Comments



KURT FLYNN

CITIZEN

MIDWAY

Georgia

Programmatic
NEPA Reviews

NEPA Public Comments

The Bureau of Indian Affairs require “Take” authorizations from USFWS as a condition for granting a permit to drill an oil well in Osage County on the basis that an oil well might result in disturbance of ABB habitat.

The USDA operates rural loan programs which subsidize the expansion of services of the Verdigris Valley Electric Cooperative, rural water districts, and home construction. Presumably, USDA uses a Categorical Exclusion that justifies this action on the basis that the beetle habitat disturbed by power and water line right-of-way is not significant. However, the beetle habitat disturbed is far greater than the power pole or water line path because rural loan programs result in the urbanization of land that is ABB habitat. New water and electric meters are associated with rural homes (very few of which have anything to do with agriculture). Parcels much larger than oil well sites are converted into manicured estates incompatible with ABB prosperity.

The BIA’s actions are limited to Osage County. The USDA’s actions cover most of the ABB’s habitat in Oklahoma. Expensive mitigation measures (purchase of Take credits from a conservation bank) required of the Osage oil businesses are a trivial benefit to the Beetle compared to loss of habitat via USDA subsidized urbanization.

Consistency between agencies should be a requirement of NEPA programmatic reviews.

I appreciate CEQ’s efforts to clarify the requirements of the programmatic NEPA document. In Section IVA.4 the Draft Guidance states,

NEPA Public Comments



NEPA Public Comments

David Brown

America Outdoors

Knoxville

Tennessee

Programmatic

NEPA Public Comments

Alternatives in a programmatic NEPA review are expected to reflect the level of the broad Federal action being proposed and would include the standard NEPA requirements for alternatives.

The Draft Guidance indicates the No Action Alternative is expected to be included at the program level. However, there is no discussion of the No Action Alternative at the tiered level AND there is some debate on this issue. Some agency tiered documents include the No Action Alternative. However, other agencies believe approval of the programmatic-level action precludes the option of No Action Alternative at the next NEPA level and therefore do not include the No Action Alternative in tiered documents. As such, it would be helpful if CEQ's position regarding the need for the No Action Alternative in tiered documents is specifically included in the Final Guidance.

Sincerely,

Kurt Flynn

Please see the attached comments submitted by America Outdoors Association. Thank you.

NEPA Public Comments

NEPA Public Comments

NEPA Reviews

Pamela Whitman

HQ Army Material
Command G3/4,
Environmental
Division

Redstone Arsenal

Alabama

Programmatic NEPA Reviews

Mary O'Brien

Grand Canyon
Trust

Castle Valley

Utah

Programmatic NEPA Reviews

NEPA Public Comments

See attachment.

1. Alternatives

We suggest that the PEIS/PEA Guidance make clear that alternatives considered may be developed by non-agency entities. E.g., on p. 18 consider adding the phrase identified with capital letters in the following guidance sentence: "When preparing the programmatic NEPA review for a policy, plan, program, or project, alternatives, INCLUDING NON-AGENCY ALTERNATIVES, can be considered...."

And again on p. 20, a possible addition would be as follows: "Outreach to potentially interested stakeholders should begin as early as possible - even in advance of formal scoping periods - to afford the public a meaningful opportunity to comment on and shape the NEPA review AND/OR DEVELOP ALTERNATIVES TO BE CONSIDERED."

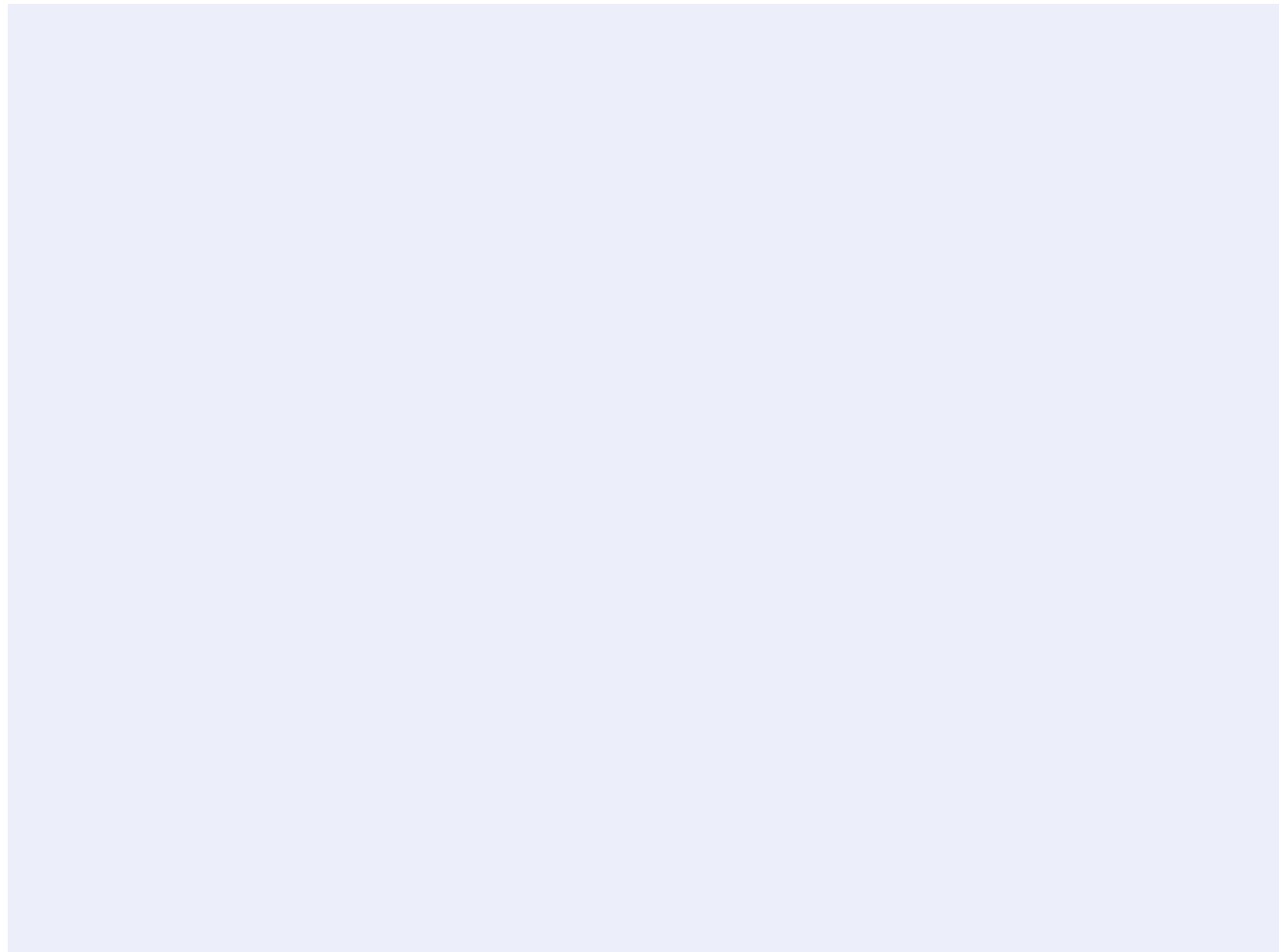
2. Examples are helpful, and would be good at more points in the guidance.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/ceq_guidance_on_categorical_exclusions.pdf

http://www.whitehouse.gov/sites/default/files/docs/submitter_info.txt

NEPA Public Comments



Jack Bush	HQ US Air Force	Washington	District of Columbia	Programmatic NEPA Reviews
Shannon Eggleston	American Association of State	Washington	District of Columbia	Programmatic NEPA Reviews

NEPA Public Comments

3. The following sentence on p. 38 is not clear: "If supplementation is not required, agencies should consider documenting that determination which, for example, could be done, through a memorandum to the record that could be included in the administrative record for the programmatic NEPA review." Perhaps reword; perhaps give an example?

The appendices are helpful, particularly, perhaps, Appendix A, i.e., distinction between programmatic and tiered analyses.

Sincerely,

Mary O'Brien

Comments attached

See attachment

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/air_force_programmatic_nepa_guidance_comments_20141002_0.pdf

http://www.whitehouse.gov/sites/default/files/docs/aashto_comment_letter_nepa_programmatic_reviews_10.08.14_final.pdf

NEPA Public Comments

	Highway and Transportation Officials			
Rebecca Judd	Earthjustice	Washington	District of Columbia	Programmatic NEPA Reviews
Adam Eckman	Naitonal Mining Association	Washington	District of Columbia	Programmatic NEPA Reviews
Jordan Macha	Gulf Restoration Network	New Orleans	Louisiana	Programmatic NEPA Reviews
Claire Moseley	Public Lands Advocacy	Denver	Colorado	Programmatic NEPA Reviews
T. Peter Ruane	American Road & Transportation Builders Association (ARTBA)	Washington	District of Columbia	Programmatic NEPA Reviews
Stacy Linden	American Petroleum Institute	Washington	District of Columbia	Programmatic NEPA Reviews
Ryan Clerico	Enefit American Oil	Salt Lake City	Utah	Programmatic NEPA Reviews
Nada Culver	The Wilderness Society	Denver	Colorado	Programmatic NEPA Reviews
Kimberly Baker	EPIC-Environmental Protection Information Center	Arcata	California	Programmatic NEPA Reviews

NEPA Public Comments

Please see the attached pdf.

See attached file

See attachment

Attached are comments on the draft Programmatic NEPA Guidance published in the Federal Register August 22, 2014.

Please find attached the comments of the American Road & Transportation Builders Association (ARTBA) regarding the Effective Use of Programmatic NEPA Reviews. If you have any questions regarding or problems with the attached document, please call (202) 289-4434 ext. 207 or email ngoldstein@artba.org.

Attached please find comments of the American Petroleum Institute.

See attached file

Thank you for this important effort. Comments from The Wilderness Society and National Parks Conservation Association are attached.

October 9, 2014

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/earthjustice_comments_on_draft_programmatic_review_nepa_guidance_10-9-14.pdf

http://www.whitehouse.gov/sites/default/files/docs/nma_comments_re_ceq_nepa.pdf

http://www.whitehouse.gov/sites/default/files/docs/ceq_nepa_guidance_gulf_restoration_network.doc

http://www.whitehouse.gov/sites/default/files/docs/pla_comments_on_ceq_guidance_for_programmatic_nepa.pdf

http://www.whitehouse.gov/sites/default/files/docs/artba_comments_re_effective_use_of_programmatic_nepa_reviews.pdf

http://www.whitehouse.gov/sites/default/files/docs/final_api_comments_-_ceq_guidance_on_programmatic_nepa_reviews_w_attach.pdf

http://www.whitehouse.gov/sites/default/files/docs/enefit_comment_letter_on_programmaticnepa_100914.pdf

http://www.whitehouse.gov/sites/default/files/docs/tws-npca_ceq_programmatic_nepa_review_comments.pdf

http://www.whitehouse.gov/sites/default/files/docs/ceq_draft_guidance_prog_nepa_epic_0.pdf

NEPA Public Comments

Information Center

NEPA Public Comments

The Council on Environmental Quality

Attn: Horst Greczmiel

722 Jackson Place NW

Washington, DC 20503

RE: Comments on Council of Environmental Quality (CEQ) Draft Guidance on Federal Agency Use
of National Environmental Policy Act (NEPA) Programmatic Reviews Published in the Federal
Register Vol. 79, No. 164, Monday, August 25, 2014

Dear Mr. Greczmiel:

I am writing on behalf of the Environmental Protection Information Center ("EPIC"), a nonprofit
organization that works to protect and restore ancient forests, watersheds, coastal estuaries, and

NEPA Public Comments

NEPA Public Comments

Ivy Fredrickson

Ocean
Conservancy

Portland

Oregon

Programmatic
NEPA Reviews

NEPA Public Comments

Please see the attached letter from Ocean Conservancy. Thank you.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/2014.10.09_oc_comment_on_ceq_programmatic_guidance_final.pdf

NEPA Public Comments

Robert Lynch	Robert S. Lynch & Associates	Phoenix	Arizona	Programmatic NEPA Reviews
Stephen Schima	The Partnership Project	Washington DC	District of Columbia	Programmatic NEPA Reviews
T. Peter Ruane	American Road & Transportation Builders Association (ARTBA)	Washington	District of Columbia	Programmatic NEPA Reviews
David Jacob	National Park Service			Programmatic NEPA Reviews
Melissa Samet	National Wildlife Federation	Washington	District of Columbia	Programmatic NEPA Reviews
Michael Dechter	Coconino National Forest			Revised Draft GHG Guidance

NEPA Public Comments

Please see attached comments.

Thank you for this opportunity to comment on the draft guidance. We appreciate CEQ's effort to enhance the clarity and utility of programmatic reviews while also ensuring the role of an informed public in providing meaningful input into government decisions. We would be pleased to discuss these issues further if that would be useful, so please feel free to contact us with additional questions or concerns.

See attachment

Comments are included in the attached document on behalf of the National Park Service.

Please see the attached letter from the National Wildlife Federation.

The reference point of 25,000 metric tons of CO2 emissions on an annual basis identified seems arbitrary. It would be helpful to include some discussion as to how this number was identified. It would also be helpful to understand what types of projects this limit would and would not affect. For example, the guidance mentions prescribed fire treatments and vegetation management projects several times. Using this example, what size projects would be subject to quantitative GHG and carbon storage analysis based on this threshold? Without any explanation as to how this reference point was chosen and how it may relate to current or reasonably foreseeable actual projects being analyzed, it is difficult to understand how this reference point is supposed to be used per this guidance document.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/ceq_draft_nepa_guidance_100914.doc

http://www.whitehouse.gov/sites/default/files/docs/final_draft_programmatic_guidance_comments__0.pdf

http://www.whitehouse.gov/sites/default/files/docs/artba_comments_re._effective_use_of_programmatic_nepa_reviews_0.pdf

http://www.whitehouse.gov/sites/default/files/docs/national_park_service_comments_on_ceq_draft_guidance_for_effective_use_of_programmatic_nepa_reviews_0.pdf

http://www.whitehouse.gov/sites/default/files/docs/nwf_comments_programmatic_nepa_guidance_10-09-14_final.pdf

NEPA Public Comments

James Carvalho	individual	Bolton	Massachusetts	Revised Draft GHG Guidance
Jane Moosbrucker	Town of Bolton	Bolton	Massachusetts	Revised Draft GHG Guidance
Jamison Colburn	Penn State University	State College	Pennsylvania	Revised Draft GHG Guidance
Linda Lannin	none	Mason	New Hampshire	Revised Draft GHG Guidance
Grace Musumeci	none	Aberdeen	New Jersey	Revised Draft GHG Guidance

NEPA Public Comments

Also, the last part of the sentence that says, "...unless quantification below that reference point is easily accomplished." is extremely vague. Many individuals or organizations who hope to challenge agency NEPA analysis may claim that such an analysis is "easily accomplished", however, given the requirement to meet 'hard look' requirements and the many, many competing needs that make up an employee or organizational workload, there really is no such thing as an analysis that is "easily accomplished". I urge that this last phrase of the sentence be removed from the guidance as it is overly vague and likely to be disparately interpreted by those reading and attempting to apply this guidance.

My comments in the attachment

The world is moving rapidly toward the human created disaster of climate change because of greenhouse gas pollution. This pipeline will produce large amounts of greenhouse gases. My opposition to the pipeline is about slowing climate change, which will ultimately destroy the planet. attached

I call on the CEQ to work to reduce global dependence on fossil fuels, and to support renewable energy alternatives. Please consider the environmental impact of natural gas pipelines, as well as the impact on homeowners. The balance of power is tilted in favor of corporations seeking to make financial profit; please work to force conglomerates such as Kinder Morgan prove necessity of pipelines to US residents, not merely profit.

The Federal government should be leading the way by encouraging the offset of any level of GHG emissions. How can we expect individuals to take responsibility for their carbon footprint when the Federal government won't take responsibility? It is not enough to offset GHG emissions from Federal buildings, fleets, etc. because what most citizens see is government approved actions and activities. Therefore, and perhaps more importantly, these need to be offset to the extent feasible. Funding will always be a limiting factor, but the CEQ Guidance should at least provide strong encouragement to offset any GHG emissions or some part of them.

NEPA Public Comments

http://www.whitehouse.gov/sites/default/files/docs/comment_on_draft_ceq_guidance_0.doc

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http://www.whitehouse.gov/sites/default/files/docs/comments_on_draft_ceq_ghg_guidance_2015.pdf

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encouragement to offset any GHG emissions or some part of them.

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